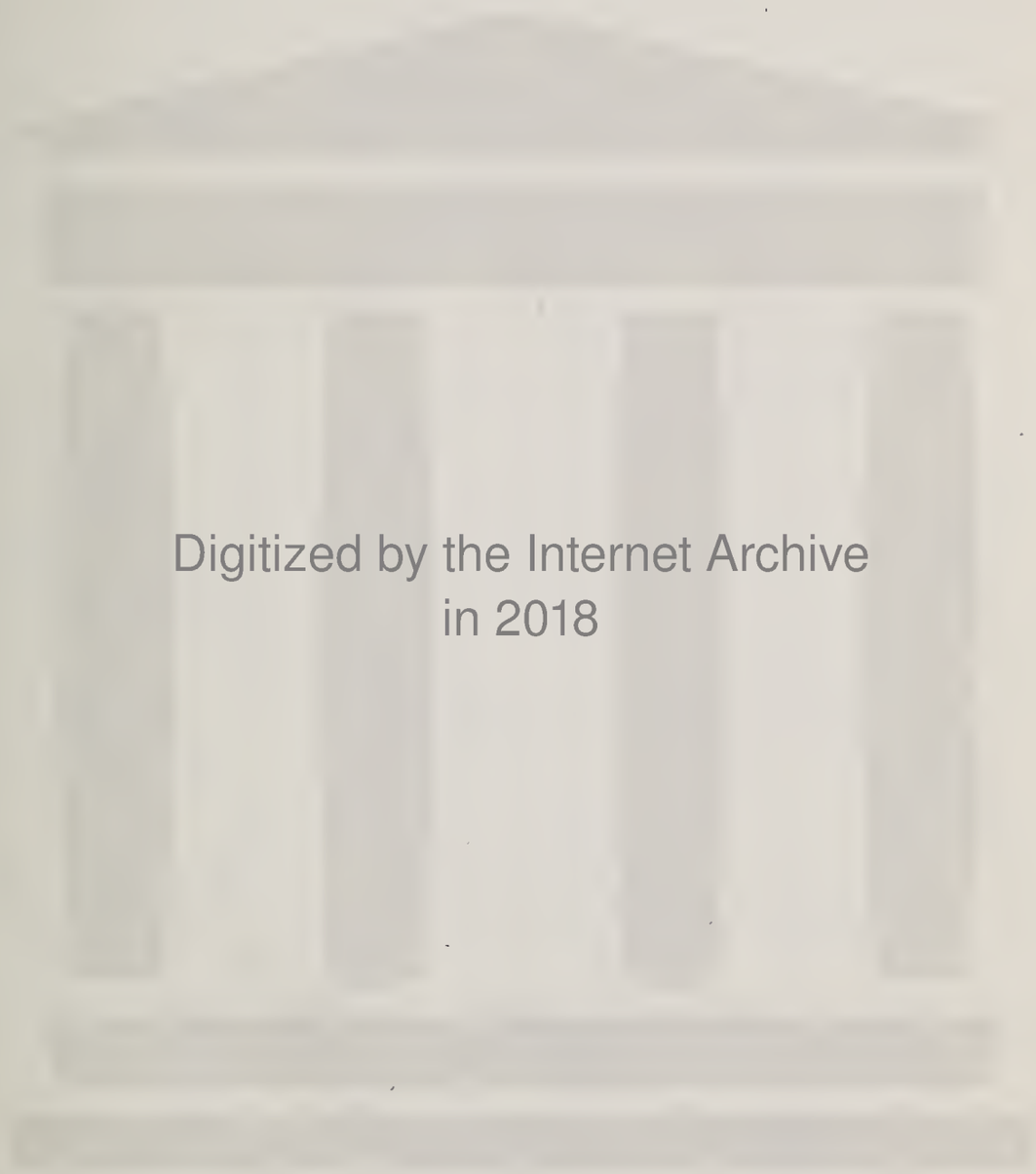
Gc
978.101
L48m
1143140

M. L.

GENEALOGY COLLECTION

ALLEN COUNTY PUBLIC LIBRARY
3 1833 01103 1678



Digitized by the Internet Archive
in 2018

https://archive.org/details/earlyhistoryofle00moor_0

E 191

Remarks
of
Hon.
Thomas Nelson

CITY OF LEAVENWORTH, K

E 492

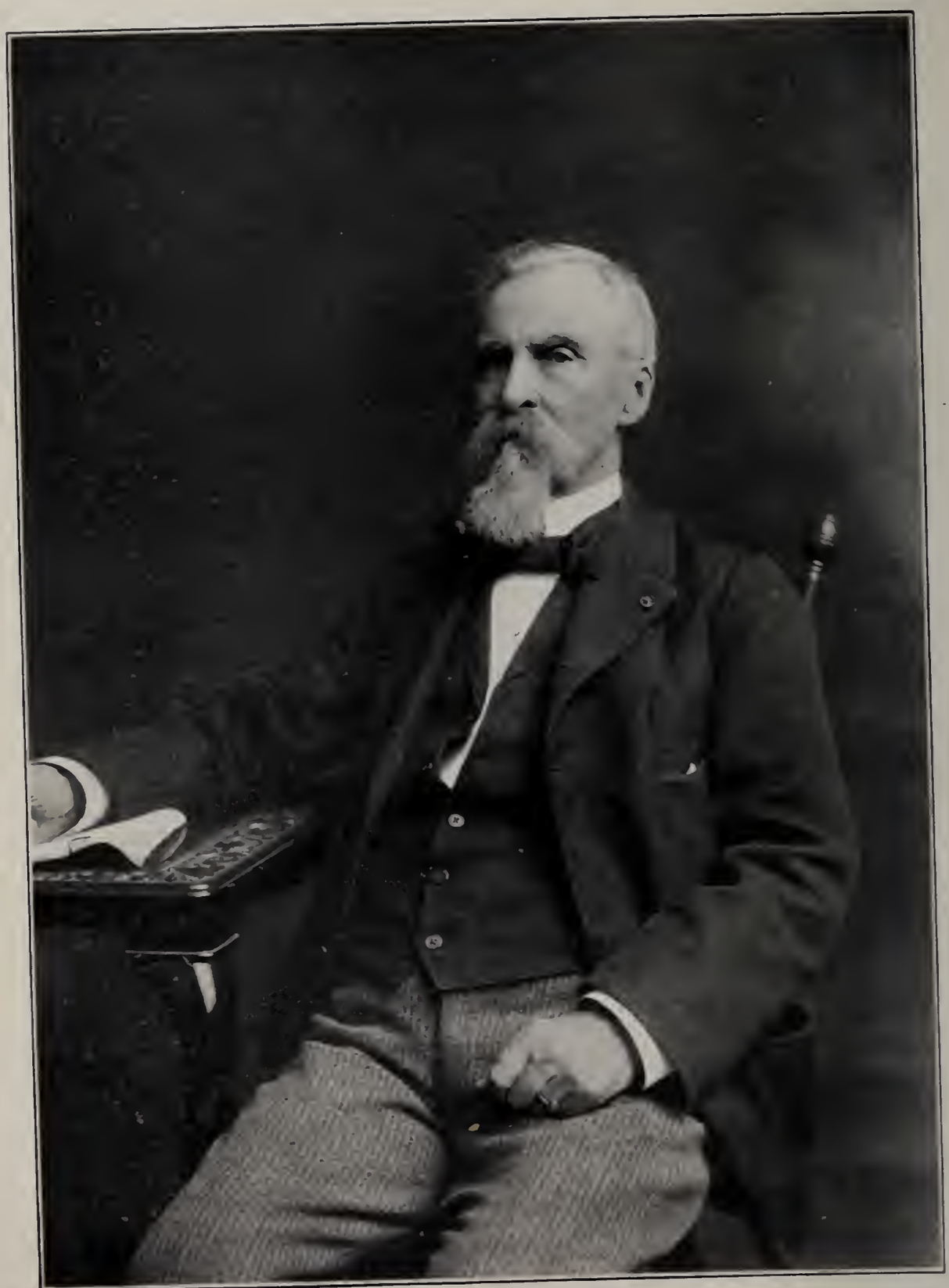
FAC-SIMILE OF ORIGINAL ARTICLES OF INCORPORATION OF THE CITY OF LEAVENWORTH, 1854.

Articles of Association

We the undersigned, being desirous of procuring a claim to a certain Tract of land in the Delaware Land Reservation adjoining the Military Reserve, in the Territory of Kansas, with the ultimate view of perfecting a Title to the same from the General Government, have caused the same to be regularly & properly laid out staked off & marked with the name of each member, and a Registry of the same made with Grover a person appointed by the Squatters of the Territory for that purpose to receive & make records such Entries or Registry. For the speedy furtherance of this object it is hereby mutually and sacredly agreed between the members of this Association each pledging himself to the other, that we will protect and defend each other in all possible ways against all aggression whatsoever, until a title to the same is fully perfected. And it is further agreed by & between us that we will hold said Tract Jointly in Common, until a final division to the same may be made by a majority of the members. We further pledge ourselves, to furnish the sum of $2.50 each, for the survey & laying out of said Tract, and all other sums that may be agreed by a majority of the members, for the purpose of protecting & defending the same from all aggression whatsoever. And we also further pledge ourselves & solemnly promise that we will cordially obey all needful rules & regulations, that may be hereafter agreed by a majority of this Society, for the Government & protection of its members upon a no less penalty than that of expulsion from said Society, together with the loss of all claim, interest or Title, in and to said Tract above refered to, and all protection from said Society or either of its members shall thereby be withdrawn. It is further agreed that it shall be optional with George B. Panton one of our members to retain and keep for his own use & benefit the quarter section & the improvements now occupied by him, at the price for which the Government may sell the same, In which event he is to lose all interest in this Joint Stock Company. It is further agreed by the members of this Society, that Maj. Ed. A. Ogden shall have full membership & interest in the Society, although not signing these articles. In Testimony whereof we have hereunto set our hands this 13th day of June A. D 1854.

Geo W Gist
Lorenzo D Bird
L. H. Stephens
~~Wm Rees~~
D. N. Caples
T. H. Adams
Oliver Diefendorf
L. A. Wisely
Amos Rees
Samuel Norton
Wm Thursby
Sam. Fannaskiss
Chas Johnson
G. H Bellew

Wm L. Caples
H. Miles Moore
Joseph Murphy
John G. Gist
G. W. Panton
Edw. H. Ogden
Js B Evans
Malcolm Clark
John Bull
Wm. Smith
James H Bruner
Frederick Starr.
J. D. Lodel
Gt. Thos. Tyle
Sackfield Macbin
E. A. Ogden
Sam. H. Fenn



H. MILES MOORE

EARLY HISTORY

—OF—

LEAVENWORTH

CITY AND COUNTY

Kansas

ALSO AN APPENDIX CONTAINING A LIST OF THE LAWYERS, WITH A SKETCH OF EACH, OF THE FIRST JUDICIAL DISTRICT, AND WHO SIGNED THE ROLL OF ATTORNEYS FROM 1855 TO THE ADMISSION OF THE STATE

—BY—

H. MILES MOORE

SAM'L DODSWORTH BOOK CO.
LEAVENWORTH, KANSAS
1906

COPYRIGHTED

Preface

1143140

A Brief Summary of the Causes Which Led Up to the Struggle in the Early Settlement of Kansas, Between the Pro-Slavery Party on the One Side, and the Free State Party on the Other. The Situation of Affairs Along the Border in Missouri Prior to the Passage of the "Kansas-Nebraska Bill."

IT is not the intention or desire of the writer of these sketches to enter into a long discussion of the question of slavery as it existed in Missouri or the southern states at the time of the passage of the "Douglas Kansas-Nebraska Bill" by Congress, March 30, 1854, (as it was called in those days.) That subject has been fully amplified and, I might with propriety say, exhausted, by writers on both sides long years ago. It would be but threshing over old straw, with no credit or advantage to the writer and surely no pleasure or profit to the reader.

In elucidating some of the peculiar and stirring events which lay along the pathway of the early settlement of the town of Leavenworth, as well as the motives which in many instances seemed to govern the actions of the participants in those events, not only in Leavenworth, but in the other towns along the border and the country surrounding, it would seem almost necessary to a full and correct understanding of those motives and of the people themselves that a succinct, truthful and concise statement of facts should be given as to the situation, character and environments of the people of the border counties of Missouri prior to the settlement of Kansas. The writer of these sketches deems himself qualified to speak truthfully and impartially. Born, reared and educated in the North—at the same time with no political prejudices against the South, her people or her institutions. On the contrary, a great admirer, with the zeal and infatuation of young and vigorous manhood of her great leaders and patriots from the days of Washington and his compeers, adown the long

line of noble sires and sons, to that of the immortal Henry Clay, the great commoner, the idol and pride of the people of the Southland, equally respected and beloved by thousands of young men in the North. Before the completion of our education, at least before our admission to the bar, financial affairs called us to the South. After visiting most of the southern states we finally determined to settle in Louisiana. After our admission, we located there permanently upon a sugar plantation in Rapedes Parish. Everything prospered for a time until the unfortunate summer of 1849, when that devastating scourge, the cholera, swept over the lower Mississippi states, leaving desolation and death in its merciless track. Thousands died both white and black; it spared neither age, sex nor condition; all shared alike and fell beneath the ruthless sickle of the fell destroyer. The writer lost over thirty able-bodied servants, besides a score or more were prostrated and only recovered by the most skillful care and attention. Almost all labor on these stricken plantations ceased for a series of weeks and months; the season passed and of course the crops were almost a total failure for that season and the financial blow was too heavy for the young planter to recover from, at least so he reasoned. Over $100,000 were lost outright in crops and servants and the season passed, where with ordinary luck or success, $50,000 should have been added to the common fund.

In debt and with no sufficient reserve to draw upon to fill so large a vacuum, the coming year supplies of labor and necessary food and utensils to be furnished to carry on so large a plantation, a stranger comparatively speaking, without sufficient credit or at least assurance to ask his New Orleans factor to advance so large a sum as above required, to buy help, feed and clothe them and wait a year for his pay with no guarantee, required more nerve under the circumstances than the writer possessed. A refusal would have been too humiliating to bear.

A consultation with a few friends, an inventory of the remaining assets, a determination to abandon that location, not discouraged, young, vigorous, in good health, full of courage and determined to win in the race, with a good education and profession to rely upon, after a series of varied events the late autumn of 1849 found me at Weston, Missouri, among total strangers, over 2,000 miles by the lakes and rivers from my eastern home, enroute to California to seek anew my fortune. I walked the gang plank from the good steamer, F. X. Aubrey, to the levee at Weston, Mo., with but fifty cents in my pocket, two bits of which I gave to one-eyed negro Bob, the porter of the "American" to "tote" my trunk up to the hotel. I soon learned to my great surprise and disgust that wagon trains did not start across the great plains in the fall or winter season, and if I expected to work my way to California by that route, driving six or eight yoke

of Texas long horns to a big prairie schooner, I would have to wait until the following spring, April or May, or until the grass grew on the plains sufficient to support the stock. Satisfied that my golden dream of California was postponed for the present and keeping my own counsel as to my financial status, I started out to take an inventory of the town and hunt a job if possible. My eye soon fell upon the sign, "O. Diefendorf, Attorney at Law." As the name was a familiar one to me in my school-boy days back in western New York, I ventured to enter his office, where I found a pleasant, agreeable and cultured legal gentleman, busy at his desk, who welcomed me with a smile and bade me to a seat. I explained that the name had attracted my attention in passing his office, I soon learned that he originally came from New York state, to Illinois, had been an officer in the Mexican War and from there had settled in Weston; that the young Diefendorfs who were school-mates of mine were cousins of his. About that time Judge L. D. Bird came into the office; was introduced to him and soon learned he was also a former resident of New York state. I need hardly say we soon became friends, which increased with time, and during the next twenty-five years we were intimately associated together as members of the original Town Company of Leavenworth.

Judge Diefendorf lived and died here, honored and respected by all. Judge Bird removed from Weston to Atchison, Kansas, and died there a number of years ago highly respected as one of her leading citizens of the town.

But to return to our mutton. As soon as they learned I was a young lawyer, they both cordially invited me to make their respective offices my headquarters, which I kindly accepted. Mr. Diefendorf was very busy in his office and I offered my services to assist him. In a few days he proposed a partnership which we entered into for five months, as I still expected to push on to California in the early spring. Our business was quite successful, we both made friends and at the end of five months I found myself with $500 in gold, besides my expenses all paid and business increasing. The trip to California was abandoned and the writer became a permanent citizen of Weston, Platte county, Missouri. He at once took an active part in all matters of public interest, political and educational. The discussion of the subject of the building of railroads, especially the construction of a railroad on the east side of the Missouri river from St. Charles to the Iowa line, and as secretary of the "Northwestern Missouri Agricultural, Horticultural and Mechanical Association," and also as *sub rosa* editor of the "Weston Reporter," for a number of years, the writer became intimately acquainted with all educators, the leading politicians, farmers, lawyers and business men of upper Missouri. Being of a social turn, at their kind invitation,

he visited them at their homes and partook of their genuine hospitality.

Most of the settlers of upper Missouri in those days came from Kentucky, a few from Tennessee and Virginia. The Platte Purchase, (of which I shall speak more at length presently) was almost exclusively settled by people from the above states and in this connection I desire to emphasize the fact, that during a life of over three score years and ten the writer never enjoyed himself better and with more genuine pleasure, true happiness and disalloyed friendship than during the five years he resided in Platte county, among a brave, gallant, kind, generous and most hospitable, true, chivalric Southern people. Truly it was an oasis in this wilderness world of ours, an epoch in a long and varied life never to be forgotten. Age chilleth not the fond memory of those halcyon days.

The "Platte Purchase," as it was called, is that portion of the state of Missouri lying west of the original boundary line of the state as fixed by the "Missouri Compromise Line" (as it was called,) extending to the western boundary of the state of Missouri from the mouth of the Kaw river north in a straight line to the south line of the present state of Iowa, and omitting that portion of the state between said projected northwestern line and the Missouri river, embraced within the present counties of Platte, Buchanan, Holt, Andrew, Nodaway, and Atchison—the garden spot of Missouri. That this magnificent tract of land should not have been originally included in the boundaries of the state, there seems at this day to have been no legitimate or valid reason; simply to have made the Northwestern boundary of the state follow the meanderings of the Missouri river north from the mouth of the Kaw river to the Iowa line as it does now and has ever since the change was made and the state enlarged by the efforts of Col. Thomas H. Benton, then U. S. Senator from our sister state of Missouri as the extension of the above boundary line was in direct violation of the letter and spirit of the "Missouri Compromise" as understood and agreed upon between the North and the South, viz: That African slavery should never be extended north or west of the boundary line of said state, as defined by said Compromise.

As I have before stated most of the early settlers of the Platte Purchase were from the state of Kentucky, some from Virginia and Tennessee and a few families from North Carolina. Most of them were enterprising, energetic and thrifty. They sought this new Eldorado, to secure homes for themselves and families and to improve their financial condition. Each desired to secure at least 160 acres of these rich farming lands, others with more means sought and obtained a half section, and a few were able to purchase a full section of land. Quite a goodly number

brought with them their house servants and field hands and all looked forward to the time when they would be able, not only to hire, but to purchase and own their servants. This was a part of their early training and education; it grew up with them from infancy to manhood and womanhood, their preachers taught them and practiced it, as a God and Bible right. Their slaves were in many instances a part and parcel of their own family, bound to them by the strongest ties. The old negro mammy was as near and dear to them as their own parents. She was always their friend and protector, and the love and affection she bore for the white children of her master and mistress that she had nursed, was equal if not stronger than the love she bore towards her own offspring and that affection was fully reciprocated on the part of all the white members of the family. The children all grew up together in infancy and childhood; they played and romped together and shared each other's sports and pleasures, oft eating from the same plate and drinking from the same gourd. The feelings engendered in childhood between these different races grew up with them to manhood and womanhood's estate. Of course a line of demarkation between them existed by natural and artificial laws, which was fully recognized and strictly observed by all parties. The necessities of the case required their division and the laws of God and man as they believed and were taught, demanded it. That the people of the Southland, and on the border of Missouri next to Kansas feared that their beloved institution was in danger by the settlement of Kansas as a free state, as they were led to believe by the continued tirades of their newspapers against the settlers and people generally of the North, and the loud-mouthed vaporings and frantic appeals of their leaders to drive out the Abolitionists, inspired and increased this belief until it became a fixed principle with them, and hesitated at no plan or purpose however extreme or diabolical in its results to carry out what they conceived to be their duty in the premises. I may have occasion to refer more directly to some of the sayings and doings of one or more of the leaders and the inevitable results that followed these outbursts of passion and prejudice towards those who first settled in Leavenworth and vicinity and were supposed to be inclined to favor secretly, if not openly, the establishment of a free state in Kansas.

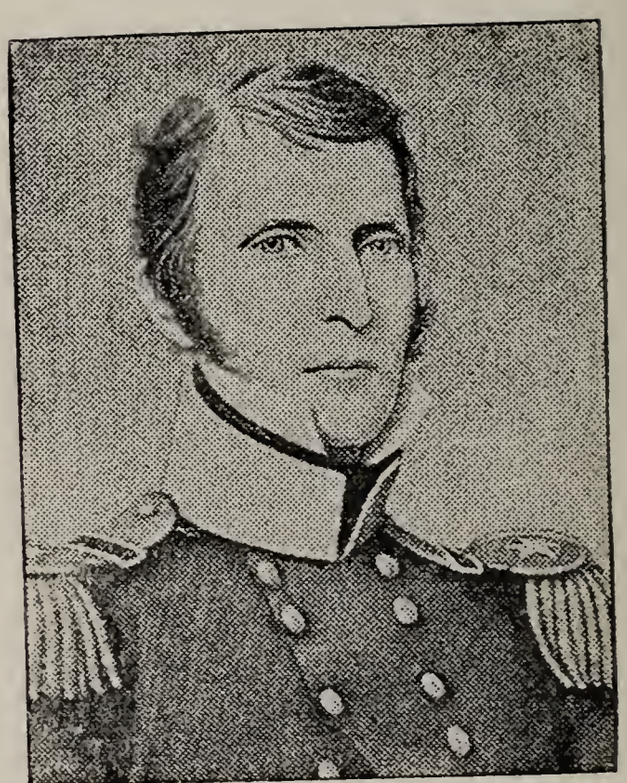
After a long and weary struggle of three years, the wasting of much treasure, the untold sufferings endured by the early Free-State settlers and the shedding of so much innocent blood, the sad recital has been so often pictured in song and story, that we pause upon the threshold and seek not to lift the veil or further dwell upon the unpleasant realities of those unhappy days which too many of us experienced in person, except so far as it may be neces-

sary to elucidate some prominent incident or fact that bears directly upon the early settlement of the town and became a part of its history.

After the three years' struggle in Kansas to extend the institution of slavery and fasten it upon the soil of this free and glorious commonwealth, the cohorts of slavery had retired within the precincts of their own domain, baffled but not conquered, disgruntled but not discouraged, proud, haughty, brave and determined. The teachings of Calhoun and his little band of conspirators and the spirit of revolt and secession with which they had sought to inflame the people of the Southland and which had lain dormant for years, were again aroused to action. The smouldering fires of this long, slumbering volcano were again about to break forth, a new generation full of fire, energy and fight, imbued with the restless spirit of their forefathers, had come upon the scene of action, chivalrous, gallant, brave and impetuous even to rashness, the late rebuff in Kansas had but angered them and wounded their pride and ambition. They saw and justly too, that the present boundaries of their beloved institution were circumscribed, that the edict had gone forth, "thus far shalt thou go and no farther and here shall thy proud waves be stayed." It needed but the election and inauguration of Lincoln to fan the smouldering fires of secession into an open rebellion. South Carolina, that nest of vipers, that hot bed of rebellion, was the first state to seek a severance from her sister states, the first star on the bluefield of old glory that sought to be blotted out, and a half score of her wayward sisters soon sought to follow her ignominous lead. Then came four years of cruel fratracidal strife and horrid war. Five billion of treasure were expended, a half million of brave men lay down on many a gory battle field or in prison pens, to that long sleep that knows no waking. Thank God that long and cruel war is over never to be renewed. We are once more a happy, united and indivisable band of brothers. We may honestly differ upon politics and economic questions and divide into parties and struggle for the supremacy. Let but a foreign foe point his gun in threatening attitude towards our shores, let the tocsin of war but sound the note of alarm our country is in danger, a million, if need be, of trusty blades and glistening guns backed by stalwart arms and brave hearts, flash in the sunlight, the music of Dixie and Yankee Doodle blend in one sweet refrain, Johnnie and Yank touch elbows as they close on their file leader. The blue and the gray in grand phalanx press forward as they keep step to the music of the union, with old glory high advanced to the fore, without a star effaced or stripe erased. One nation, one country, one flag, no North, no South, no East, no West.

Most of the settlers who first came to the Platte Purchase were men of moderate means, but they were an industrious and

frugal people, soon opened farms and in a few years were raising immense crops of hemp, tobacco and corn, with large droves of horses, mules, cattle and hogs. Towns sprang up rapidly along the river where the farmers or planters found a ready market for their hemp and tobacco, and at Fort Leavenworth for their horses, mules, corn and bacon. The Quarter-master and Commissary Departments of the U. S. Army at Fort Leavenworth were always in the market in the spring or fall for the above supplies at splendid figures. Col. Alex W. Doniphan's regiment of cavalry for the Mexican War was fitted out at Fort Leavenworth, in 1847, Gen. Albert Sidney Johnson's Utah Expedition, rendezvoused and started from Fort Leavenworth. The many expeditions against the Indians of the plains for a long series of years started from Fort Leavenworth. These each and all made a demand for the surplus products of the planter of the Missouri river border, at least for his horses, mules, corn and bacon. During the time the writer of these sketches resided at Weston, it was the largest town on the Missouri river, having a population of 5,000 with four or five large hemp warehouses, two or more tobacco pressing establishments, six or eight immense wholesale and retail general stores doing from a million to a million and a half of trade each year, with their hemp, tobacco, government and Indian trade. A half-dozen steamboats at her levee at one time loading and unloading, two large flour mills, one or two distilleries and breweries and countless evidences of wealth, thrift and enterprise. St. Joseph was a thriving Indian Trading Post, at the foot of Black Snake Hills. Kansas City was Westport Landing with a population of less than 2,000 along the river bank and perched on a dozen hills. Platte City and Liberty and Independence were thriving places, shire towns of their respective counties. The planters were all growing rich and the people happy and prosperous. Such was the condition of the Platte country on the 30th of May, 1854, when the Kansas and Nebraska Bill passed Congress and was signed by President Pierce.



GENERAL HENRY LEAVENWORTH

FOUNDER OF FORT LEAVENWORTH, MAY 7TH, 1827

Contents

CHAPTER I.....Page 17

Leavenworth, the Oldest Town in the State and from What It Took Its Name, and Who Named It. Fifty Years Old June 13, 1904.

CHAPTER II .....Page 26

Kansas Immigration. Rapid Settlement of Leavenworth. Trouble About the Title to Our Townsite.

CHAPTER III .....Page 31

Incidents in the Early Settlement of Leavenworth, Continued. The First Store Houses in Town.

CHAPTER IV.....Page 38

Governor Reeder's Arrival in Kansas. Col. A. J. Isaacs, Attorney General. Other Incidents. The First Church Service in Leavenworth. The First Squatter Trial in Kansas. Squatter Meeting in Leavenworth.

CHAPTER V.....Page 43

Settlement of the Delaware Lands in Leavenworth County. Public Sale of Lots in Atchison. First Day of Public Sale of Lots in Leavenworth. Highest Price Lots Sold that Day.

CHAPTER VI.....Page 48

Second Day's Public Sale of Lots in Leavenworth, October 10, 1854. Judges Johnstone and Elmore, U. S. Territorial Judges. Death of Gen. Geo. W. Gist.

CHAPTER VII .....Page 52

First Convention Held in Leavenworth to Nominate Delegate to Congress. First Congressional Election Held in Kansas, Etc., Etc. Election at Leavenworth.

CHAPTER VIII .....Page 56

First Congressional Election in Kansas, Continued From Last Sketch. U. S. Senator Atchison of Missouri Ideas of Who Have a Right to Vote in Kansas. First Death of a Resident of Leavenworth. First Public Sale of Town Lots at Kickapoo.

CHAPTER IX ..... Page 60

The Main Rush for Townsites. Jacksonville Specimen Brick. Birth of the First Child in Leavenworth, Etc. George C. Richardson Born Here.

CHAPTER X ..... Page 64

Great Fire in Weston, Mo. First Convention in Leavenworth to Nominate Candidates for the Legislature. Organization of the U. S. District Court in Kansas. The Convention Meets Again Pursuant to Call and Makes Its Nominations. A Word About Judge R. R. Rees.

CHAPTER XI ..... Page 69

Sketches of the Members of the First Territorial Legislature of 1855, from This County, Continued. Gen. Lucien J. Eastin. Judge A. D. Payne of the Lower House. Wm. G. Mathias and H. D. McMeekin. Our Missouri Friends Getting Ready to Come to Kansas to Help Us in Our Election, Etc. General Lucien J. Eastin.

CHAPTER XII ..... Page 74

Major E. A. Ogden at Fort Riley. A Note from Hon. P. G. Lowe with Reference to the Death of Maj. Ogden and the Cholera at Fort Riley. Also a Well Merited and Deserving Reference to Mr. Lowe in Connection With Above.

CHAPTER XIII ..... Page 79

The First Census in Kansas. Proclamation for an Election of Members to the Council and House of the Territorial Legislature.

CHAPTER XIV. ..... Page 84

Gen. John Calhoun, First Surveyor General of Kansas and Nebraska. Election of Members of the First Territorial Council and Legislature.

CHAPTER XV ..... Page 88

Statement of Col. John Scott of St. Joseph. Rejoicing Over the Result of the Election. Destruction of the Parkville Luminary.

CHAPTER XVI. ..... Page 92

Death of Malcolm Clark. One of the Early Incidents of Leavenworth.

CHAPTER XVII ..... Page 97

The Tarring and Feathering of William Phillips. Another of Those Most Unfortunate and Disgraceful Incidents with Which Our Town Was Afflicted in Early Days. Following Close on the Heels of the Homicide of Malcolm Clark, and Sought to Be Justified by its Aiders and Abettors on Account of That Unjustifiable and Outrageous Act.

CHAPTER XVIII ..... Page 102

Honorable Thomas C. Shoemaker, and Other Items.

CHAPTER XIX. ..... Page 107

A Few Comments on the Resolutions Published in Our Last Sketch, Passed May 3, 1855, at the Indignation Meeting Adjourned From April 30, 1855. An Open Letter From Judge L. D. Lecompte.

CHAPTER XX. ..... Page 113

Meeting in Leavenworth Endorsing the Tarring and Feathering of William Phillips. The Second Election for Members to the Legislature Held at Leavenworth, May 22, 1855. Proceedings of Platte County Self-Defensive Association. The Weston Reporter. Citizens Meeting at Weston.

CHAPTER XXI. ..... Page 118

The Weston Reporter Continued. The Kansas Territorial Register. Capt. Simeon Scruggs, "The Oldest Man in Town, You Know."

CHAPTER XXII. ..... Page 123

George H. Keller and A. T. Kyle. How Uncle George Got Possession of the Old Leavenworth Hotel. Another Chap's Experience and Failure. Uncle George's Consolation, Etc.

CHAPTER XXIII. ..... Page 128

The Rapid Increase of Leavenworth in Wealth and Population During the Spring and Summer of 1855. First Election of City Officers in Leavenworth.

CHAPTER XXIV ..... Page 134

The Freaks of a Brilliant Journalist. Gen. George W. McLane and His "Young America." Personal Reminiscences of Trying Times, Etc.

CHAPTER XXV ..... Page 139

"The Young America," George Washington McLane, Sole Editor and Proprietor. McLane as a Whig Organizer. McLane as An Exhorter. A Response from Gen. G. W. McLane Redivious. Gen. McLane's Letter.

CHAPTER XXVI ..... Page 144

A Few Items of Interest and the Precise Location of Certain Buildings and Other Points of Interest in the Early Settlement of Leavenworth, Kansas, as Heretofore Compiled by the Writer from His Own Personal Observation at the Time, and from His Daily Diary or Journal, Which He Has Preserved Intact from 1852 to 1880 Inclusive, Together with Other Writings, Scrap Books, Etc.

CHAPTER XXVII ..... Page 149

Courts and Banks of the City in Early Days.

CHAPTER XXVIII ..... Page 154

Banks Continued. Drug Stores. Churches.

CHAPTER XXIX.....Page 159
Churches Continued and Hotels.

CHAPTER XXX. .....Page 164
Hotels of the City Continued. A Few Incidents of the Old Planters' Hotel.

CHAPTER XXXI.....Page 171
Hotels of Leavenworth in Early Days, Continued.

CHAPTER XXXII .....Page 176
Early Hotels and Boarding Houses of the City Continued.

CHAPTER XXXIII .....Page 181
The Newspapers of Leavenworth.

CHAPTER XXXIV.....Page 188
Breweries in the City in Early Days.

CHAPTER XXXV.....Page 193
Flour Mills and Other Mills.

CHAPTER XXXVI.....Page 199
Schools.

CHAPTER XXXVII. .....Page 202
Theatres or Opera Houses. Public Halls and Beer Gardens.

CHAPTER XXXVIII. .....Page 213
The Mayors of Our City, Lawyers, Physicians, Etc.

CHAPTER XXXIX .....Page 216
The Coal Mines of Leavenworth and Vicinity.

CHAPTER XL. .....Page 219
Manufactories, Railroads, Etc.

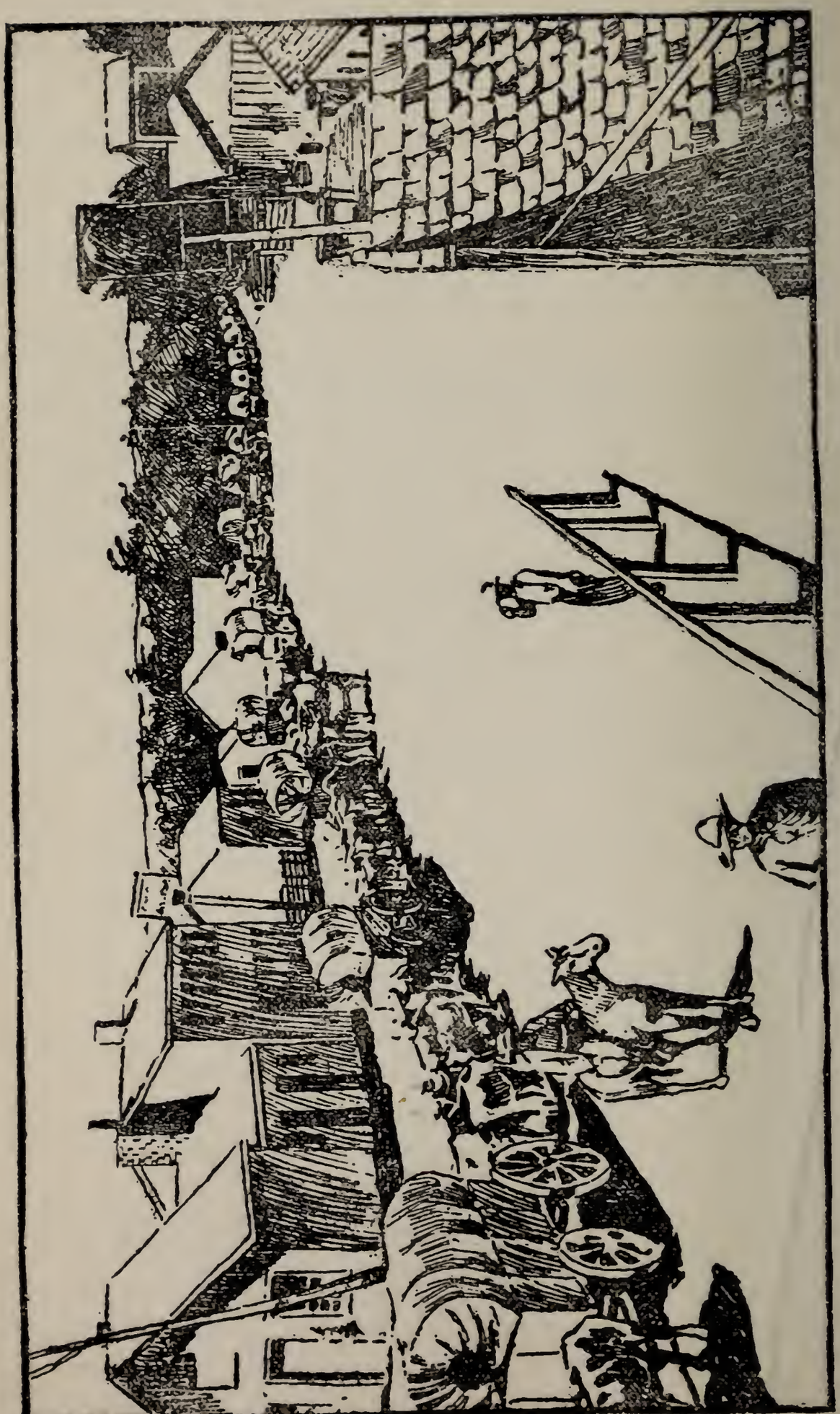
CHAPTER XLI.....Page 225
Leavenworth County. First Members of the Legislature. First County Officers and Place of Meeting.

CHAPTER XLII .....Page 230
Military Reservation of Fort Leavenworth

CHAPTER XLIII .....Page 236
The Early Ministers, Priests and Pastors of the City.

LIST OF ILLUSTRATIONS.

	Page
Frontispiece .....H. Miles Moore	
General Leavenworth	10
Train in Salt Creek Valley	16
First Dwelling House in Leavenworth	33
Planters House 1855.....	164
Birdseye View Leavenworth and Missouri River 1857–'58.....	180
Conservative Office.....	183
Headquarters and Barracks Fort Leavenworth	230
Old Stone Wall Fortifications Fort Leavenworth (Still Standing).....	235



MAJORS RUSSELL AND WADELL'S OX TRAIN IN SALT CREEK VALLEY 1855

Early History of Leavenworth and Leavenworth County.

CHAPTER I

LEAVENWORTH, THE OLDEST TOWN IN THE STATE AND FROM WHAT IT TOOK ITS NAME, AND WHO NAMED IT. FIFTY YEARS OLD JUNE 13, 1904.

THE author of these sketches has concluded, that probably no more appropriate or interesting article as an introductory chapter in this volume could be offered than the sketch written by him at the request of the editor and publisher of a Leavenworth newspaper printed in that Journal on June 11, 1904, two days before the 50th anniversary of the location and settlement of the city of Leavenworth, which was celebrated by the residents of the town and county on that memorable occasion. Especially is it appropriate to re-publish that article at this time, as it contains a fac-simile of the original "articles of association." The foundation-stone, (so to speak) of the first settlement of the town.

This valuable document will be found as an introduction to this volume.

The people of Missouri, along the border of Kansas, had for a long series of years, prior to the passage of the Kansas-Nebraska Bill, looked with longing eyes and wistful hopes for the day to arrive when the Indian titles would be extinguihhed and the goodly lands across the Big Muddy would be thrown open for settlement to the white men and their families, which they soon hoped to secure and occupy as their legitimate possession, and to carry with them their peculiar institutions and open up the country to settilement with homes for themselves and their children and build up prosperous towns as the necessities of the case and the demands of the settlers might require.

Hundreds of them had for years passed over and thoroughly explored the entire country from the Missouri river on the east to the vast plains at the foot hills of the Rocky mountains on the

west, and from the valley of the Platte river on the north to the Rio Grande and the Sante Fe on the south. Many of their trips were across the ocean plains, to and from California in 1849 and 1850, and the immense government freight trains to the different forts and posts all over the west and southwest for a long period. Others had trading posts with the Indians and visited them at their annual payments each autumn in large numbers to trade with them and have a good time. These payments were right royal gatherings of the boys of the "wild and woolly West;" fun and frolic with a few fights, foot and horse races thrown in for good measure. The fun was fast and furious for days and nights while the money lasted. Again others had chased the buffalo and antelope over the plain, still others had followed the hounds in gay pursuit of Reynard and the festive coyote. The whole land was as familiar to these Border Knights, as their own homes and surroundings in Missouri. They needed no Israelitish spies to visit and spy out the land and report that it was good, they were thoroughly posted on all these matters years before, by long and careful observation and experience.

On the 30th day of May, 1854, the "Douglas Kansas-Nebraska Bill," so called, had passed both houses of Congress and was signed by President Pierce. Immediately upon the signing of the Bill, Hon. David R. Atchison, (one of the United States Senators from Missouri at the time, and whose plantation and home was near Plattsburg, in Clinton county, Missouri, but who spent a considerable portion of his vacation from his senatorial duties in Washington, among boon companions and friends in Platte county, at Weston and Platte City at old Lish Green's far famed hostelry in the latter city,) telegraphed the fact to some friends in Weston with the laconic instructions "go over and take possession of the good land, it is yours."

The news spread like wild fire, from the Iowa line on the north to Arkansas on the south, along the western border of Missouri, and the whole people of that district obeyed the suggestion with great alacrity and stood not upon the order of their going, but went, some on foot, others on horseback, on mule-back and in wagons; they soon overran the good lands for 40 or 50 miles west from the Missouri river and the western line of Missouri south of the Kaw river, taking possession and staking out

their claims over most of the rich valleys, uplands and timber lands along the numerous streams which flow into the Missouri and Kaw rivers.

In less than a weeks' time almost every quarter section of arable land from the Missouri river to the Kaw that was not on an Indian Reservation, had a squatters' claim on it, and some of them two. The business men of Weston sought locations for townsites in the new land. The little town of Weston sent out three swarms like a well-stocked bee hive, in a few days. The first located at Leavenworth, the second at Kickapoo, and the third at Atchison, and all soon became thriving, bustling towns.

But we shall confine ourselves in this article to our City of Leavenworth and its immediate vicinity for it is of this first settlement of this city and its projectors that we desire to speak at this time. As is well known the first squatter meeting held in the territory was on the 9th of May, 1854, at Riveley's store in Salt Creek Valley, a half mile west of the bridge over Salt Creek on the Fort Riley road, about two miles west of Fort Leavenworth. Most of the squatters at that meeting were from Platte County, Missouri; about 200 squatters were present and took active part in the business of the meeting.

The town of Leavenworth was laid out by an association of men, a majority of whom resided at Weston, Platte county, Mo. In this volume will be found a fac-simile of the original agreement entered into by the original thirty-two members and signed by them in their own handwriting. The agreement was prepared by H.Miles Moore,Esq., in his own handwriting in his law office at Weston, Mo., on the 13th day of June, 1854, just fifty years ago. The paper has been carefully kept by Mr. Moore ever since, as have the original Constitution and By-Laws of the association also signed by the original members. The proceedings of the meetings of the Association, the owners of the town shares, five to each original member and fifteen or twenty retained by the company for public use, a list of all the lots drawn to each share with the names of the respective owners. The original map from which the first public sale of lots was made October 9 and 10, 1854, a memorandum of such sales and the purchase price paid for each lot sold, and most of these books and papers are in the handwriting of Mr. Moore, who was secretary of the Town Company. They are still in his possession and in a good state of preserva-

tion. Shortly after signing the original paper, it was deemed necessary by the association that a constitution and by-laws should be prepared for the protection and government of its members and Judge L. D. Bird, Oliver Diefendorf and H. Miles Moore were appointed to prepare them. Judge Bird commenced the introduction and he and Mr. Diefendorf favored naming the town Douglas, the author of the Kansas-Nebraska Bill, and it was so written as the record shows. Mr. Moore opposed this name and urged the name of Leavenworth, after Fort Leavenworth, claiming that Fort Leavenworth was known as the handsomest and most desirable location on the Missouri river and that 100 miles away, every one would suppose the town was located at the Post it would also greatly assist in the sale of lots and invite settlers from all parts of the country. It was finally agreed by the committee to submit the question of the name of the proposed town to the members of the association, at which meeting Mr. Moore urged the name of Leavenworth, for the above and other reasons, and his suggestion was finally unanimously adopted and the town was named Leavenworth. Of the original thirty-two members who signed the agreement and constitution but three of them are living at the present time. They are W. H. Adams, who now lives near Independence, Mo. He was originally one of the proprietors of the "Western Advertiser" and a son-in-law of Gen. Geo. W. Gist who surveyed and laid out the townsite and the tracts of land west of the city, known as the "Gist Survey" and was also the first president of the Town Company. Mr. Adams was the owner and proprietor of the "Kansas Herald" the first newspaper published in the territory. The first number was set up and printed by Mr. Adams under the umbrageous shade of the old elm tree near the northwest corner of Front and Cherokee streets. The next issue of the paper was from a small one-story frame house situated on the east end of the second lot from the southwest corner of Delaware and Front streets or the Levee. The Union R. R. depot now occupies this and other lots on the lower end of Delaware street. Mr. Adams afterward sold out the newspaper to Gen. L. J. Easton, who in time became sole editor and proprietor and who moved the printing office into the second story and over the stove and tin store of Geo. Russell on the west or Main street end of the same lot. Mr. Adams soon after moved to Missouri where he has since resided.

Mr. A. T. Kyle, was a farmer living a short distance north of Weston, Mo., in what was called Fancy Bottom. He married the daughter of Uncle George Keller. Her brothers were Henry Keller, so long and favorably known here as an insurance agent and adjuster, now a resident of San Francisco, California. The other brother, A. B. Keller, better known as Doc. Keller, a resident of this city for forty years, a prominent and active citizen, now living in Kansas City, Mo.

Uncle George Keller, as he was familiarly called and Mr. Kyle built the old Leavenworth hotel in the summer of 1854 on the northwest corner of Main and Delaware streets. They kept the same for a year or more. The hotel was on the high bank some twenty feet above the present grade of Main and Delaware streets. It was a two-story frame building and basement 24x40 feet with front end towards Delaware street. It was the first hotel building in the territory and quite popular and well kept. The first election for delegate to Congress in the fall of 1854 was held here when our friends from Weston and Platte county came over so generously by the hundreds and elected Gen. Whitfield, Indian agent of the Arappahoes, as our first member of Congress. A number of other elections and many public meetings were held at the hotel. Mr. Kyle returned to Weston and kept a grocery store for some years. After the war he came back to Kansas and settled at Lansing, where he and his wife kept a boarding house for the officers of the penitentiary for a number of years. Mr. Kyle and his good lady left about the 15th of May last to visit their son, A. T. Kyle, Jr., a prominent and wealthy citizen of Falls City, Montana. They expect to be absent for a year and may remain there permanently. Since the above was written Mrs. Kyle has died.

"The only remaining member of the original Town Company is H. Miles Moore, who resides in this city and has so resided here since its first settlement, except while serving in the Union Army. He was a practicing lawyer at Weston, Mo., and had been for some years at the time the territory of Kansas was organized. He originally came from Rochester, New York, where he studied law and was first admitted to the bar. Passing over his varied and exciting life in Missouri, he early took a very active and prominent part in the settlement of the territory and in the formation of the Free State Party, of which he was a leading and

positive member of the Topeka Constitutional Organization from its first inception and also the other constitutional movements up to the admission of the state into the Union. The history of early Kansas is his history of which he took so active a part and endured so much with other patriots that Kansas might become a free state. A series of articles were written by Mr. Moore and published in a local weekly paper a few years ago, giving a full and complete early history of Leavenworth from its first settlement, but the work was not completed owing to circumstances beyond his control. It is hoped Mr. Moore may finish this important work at no distant day, as no one is so well qualified to write a truthful history of the early settlement of the town as a person who was present and took an active part in its formation and development."—The Union.

Time and space will not permit a review or even reference to all the members of the original Town Company, neither would it be interesting and profitable to do so at this time. We will only speak briefly of a few of the more prominent ones that we have not already referred to in this article.

Judge L. D. Bird, a New Yorker by birth, was a resident of Weston and had been for a number of years prior to the settlement of Kansas, a leading lawyer and a man of wealth and high standing in the community. In addition to his interests in this town, he was also one of the leading share-holders of Atchison, to which town he moved from Weston in the early settlement of that city, where he died, as he had lived, a leading and highly respected citizen and prominent lawyer.

John C. Gist, a son of General Geo. W. Gist, also lived north of Weston when this town was laid out, and was a farmer. He came over here with his family among the first settlers and occupied a tract of land known as "Russell's survey of out-lots," west of the town near 20th street. He afterwards sold out and moved to his farm in High Prairie township, where he lived over forty years, one of the most honorable and leading citizens and farmers of this county. He passed away about five years ago, leaving a highly respected widow and several worthy sons and daughters of a noble sire.

Oliver Diefendorf, another New Yorker by birth, went to Illinois when a young man, studied law in Judge Douglas' office, was a First Lieutenant and Quartermaster with General Taylor

in the Mexican war; came to Weston in 1849 and opened a law office. Mr. Moore and he were law partners there for several years. He was one of the board of trustees of the Town Company. When Hon. John Calhoun was appointed Surveyor General of Kansas and Nebraska, Mr. Diefendorf and Major F. Hawn, father of Judge Hawn, so long and favorably known for years as a geologist and discoverer of coal under our city, and to whom we are so much indebted as a people; both being brothers-in law, they went with Gen. Calhoun as clerks in his office, here, at Omaha, Wyandotte and Lecompton until the office was closed. Mr. Diefendorf then came back to this city, was County Clerk for a long time and was then elected Probate Judge of this county for several years. He died in this city some fifteen years ago, greatly respected by all who knew him.

Elder W. G. Caples, a leading elder in the Methodist church in N. W. Missouri, held the first religious service on the townsite in the summer of 1854 under the shade of a grove on the banks of the river near where the Denton Elevator now stands.

Rev. Fred Starr, another New Yorker and son of Frederick Starr, a wholesale furniture dealer in Rochester, N. Y., was a man of great energy of purpose and an able Presbyterian Divine. He was located at Weston at the time of the settlement of Kansas. He was an earnest Free State man for this territory, although prudent and discreet in the expression of his sentiments. Unless we are incorrectly informed Rev. Fred Starr, one of the Faculty of the Chicago University and the man who has just discovered the "Yellow peril" in the East, is his son.

W. S. Murphy, better known as Capt. Dick Murphy, formerly a captain in the Mexican war under Gen. Doniphan, was a prominent citizen of Weston. He and Capt. Sim Scruggs built and owned the first saw mill in town.

Amos Rees, Esq., one of the leading lawyers of Platte City, was a member of the Board of Trustees of the Town Company and for years a leading lawyer in this city. He died a number of years ago, leaving a widow and several children. Who in town has not seen or does not know honest Lou Rees, a No. 1 druggist and Grand Scribe of the Grand Encampment of Kansas, I. O. O. F., of this city, the oldest son of Judge Amos Rees.

Dr. S. F. Few came here with his wife from Virginia and settled early in 1855. He was one of the leading physicians and

most highly respected citizens of the town. He died several years ago, leaving a widow (who has since followed him) and several married daughters and grandchildren, residing here, others in St. Louis, Chicago and Cleveland, and all among the most highly respected citizens here and in the other cities where they reside.

Major E. A. Ogden was Quartermaster at Fort Leavenworth in 1854 and was one of the most prominent and active members of the Town Company. He was transferred to Fort Riley and built that post. He died there with cholera in 1856, loved and respected by all. A monument was erected to his memory at that post.

Uncle Geo. Keller, as everybody knew and called him here in those days, was a genuine Kentucky-Missourian, honest, brave, noble, generous to a fault, a true friend and a most worthy citizen. He lived just above Weston, was a farmer, came over in June, 1854, and had charge of opening up the streets and cleaning the brush and timber off the townsite. He and Mr. Kyle, his son-in-law, built and kept the first hotel in town. To write of the early settlement of Leavenworth and not give Uncle Geo. Keller and family a most prominent place, would be like the play of Hamlet with Hamlet left out. After he sold out the Leavenworth Hotel, he kept the Fisher-Parry Hotel in 1856, afterwards the old "Mansion House," southwest corner of Fifth and Shawnee streets. The Pro-Slavery men of those days dubbed it "Abolition Hill and Hotel." It was the headquarters for the Free State men of the city.

Messrs. Howard and Sherman, the Free State members of the committee sent out by the House of Representatives in 1856, to investigate and report upon the prior elections in Kansas, stopped here during their stay in Leavenworth, and a red hot time it was, so the record shows.

An interesting incident occurred in later years in the city in which Uncle George and family were the prominent actors. A celebration of old settlers of the city was being held in Odd Fellows' hall. Hon. Alex Caldwell was chairman of the meeting and made an address. Other speeches were made by several gentlemen. Judge R. R. Rees read an original poem; music by the band; singing by a select quartet; altogether a grand affair. But the most pleasing incident of the occasion was the one above al-

luded to. The appearance upon the platform of Uncle George and Aunt Nancy, his wife, (as she was familiarly called; A. T. Kyle and his wife, daughter of Uncle George and Aunt Nancy; James M. Allen (the present popular agent of the Chicago, Rock Island Ry. in this city) and his beautiful and accomplished wife (since deceased), nee Cora Leavenworth Kyle, daughter of A. T. Kyle, and the first child born in this city. Mrs. Allen at that time held in her arms her infant daughter Katey, now wife of Prof. Gilsen of St. Joseph—four generations of one family.

Uncle George was one of the members of the first Free State Territorial legislature of 1857 and 1858 elected from this county. He was afterwards appointed Warden of the state penitentiary at Lansing. Uncle George shortly afterward moved to his farm near Springdale, where he died many years ago at a ripe old age, highly honored and respected by all who had the pleasure of his acquaintance.

There are but few families of persons residing here now, who lived here even in 1855 and 1856. We call to mind J. W. Skinner, Esq., who had the first lumber yard in the town in 1855 and was steamboat agent for a number of years, office on the levee.

Jas. L. Byers, Esq., had a grocery store on Cherokee street in 1854.

The widow McCracken, wife of Nelson McCracken, kept a grocery store on Delaware street in 1855 and 1856. M. S. Grant, Esq., was one of her clerks, and O. B. Taylor of the First National Bank, was bookkeeper later on.

We have spoken of Amos Rees and the Few families.

Fred Hunt, County Auditor, son of Gen. Hunt, Paymaster at Fort Leavenworth, was here in 1855, also Judge H. W. Ide and Mrs. Catherine Mills.

There are, no doubt, a few others who were here in 1855, whom we do not call to mind at this moment, but none of 1854 save one as above mentioned.

What a mighty change has been brought about in fifty years.

Truly, *Tempus fugit.*

CHAPTER II.

Kansas Emigration. Rapid Settlement of Leavenworth. Trouble About the Title to Our Townsite.

BY the first of August, 1854, the news of the rapid settlement of the eastern portion of Kansas by the people of Missouri had spread to the east, and settlers from the free states, east of the Mississippi river, commenced pouring into Kansas by every steamboat that arrived from St. Louis and by wagons from Iowa, Illinois, Indiana and Western Ohio. Leavenworth was improving as rapidly as circumstances would permit.

The Constitution for the government of the Association and its members had already been prepared by a committee and unanimously adopted by the Association. The capital stock of the company, so to speak, which included the 320 acres adjoining the Missouri river on the east, the Military Reservation of Fort Leavenworth on the north, Three Mile creek on the south and extending back from the Missouri river west, so as to include 320 acres. The same being what is known and has been from the early settlement of the town as the "City Proper." This was divided into 175 shares. Each member of the Town Company was to be allowed five shares and fifteen shares were to be retained and placed in the hands of the trustees, to be disposed of from time to time by them, as in their judgment might be for the best interests of the whole Association.

The object of this division of shares was to enable the members of the Town Company to sell one or more shares and thus bring new members and new interests into the Association, but no member was allowed to sell one or more of his shares, to any one, without the final consent and approval in open meeting of a majority of the members of the Association, and a transfer of said share or shares by the secretary on the share book of the

Association, and each and every shareholder was compelled to sign the Constitution. Each share was to be entitled to twelve lots, in the original town site, to be alloted by as near of equal value to each share, as could be determined by a committee of three selected by and from the members of the Association; the lots were to be drawn by lot, in blocks of two, five or some other number, and at such time as the Association might from time to time determine. Each share at the first drawing was to have one first-class and one second-class lot on the Levee, Main, Delaware or Shawnee streets, east of Second street and to be as near of equal value as possible.

There was to be no drawing of lots until the first public sale of lots, which took place October 9 and 10, 1854, as we shall presently show. Any shareholder desiring to build upon any lot, before the sale of lots above, or before the first drawing of lots, had the privilege by the consent of the trustees, and in no other way, and the lot so built upon should be the choice lot to be awarded to one of his shares at the first drawing of lots. The width of the streets and alleys and the size of the lots having been determined upon by the Association, the trustees employed Maj. F. Hawn (of whom we shall speak more at length in connection with our coal interests) to lay out the streets and alleys and stake off the lots and blocks.

Lithograph plates were ordered prepared in St. Louis for distribution as soon as the survey was completed. The Town Company was expending large sums of money in clearing off the timber and brush and opening up the streets, under the direction and charge of Uncle George Keller, all of which money was raised by assessments upon the several shares held by the members of the Town Company, for it must be borne in mind that the "City Proper" as it is now called, with the exception of a narrow strip of prairie between Choctaw street and Three Mile creek was as densely covered with timber, and as thick a growth of underbrush as can be found in the western country.

The streets running east and west in the "City Proper" from Choctaw street on the south to Cheyenne on the north, were at the suggestion of Maj. E. A. Ogden, one of the town trustees, named after prominent Indian tribes in the west and south to preserve their nomenclature for all future time. Some of them

were quite euphoneous in sound, commencing with Choctaw, Cherokee, Delaware, Shawnee, etc.

In this connection I will add, I have been asked where "Three Mile creek," got its name from and was called; the answer is, it was so named by army officers at Fort Leavenworth long years before Kansas was settled by white men. In measuring distances from any government Post or Fort for the purpose of counting distances for travel of the hauling freight for government by contractors, the distance was in those days measured by a rhodometer from the flag staff at the Fort or Post over the main traveled road or highway between the points, and prominent points or stream crossings, noted and learned on the route and marked on the map or plat and a copy filed in the Quartermaster General's office at Washington. In this instance, on the great government route or highway from Fort Leavenworth to Fort Scott and south the first crossing was One Mile creek, and then Two Mile creek, or Coral creek, on the Reserve, then along what is now called Broadway in the city to the crossing of Three Mile creek, thence to Five Mile creek in the south part of the city; thence along the same road to the crossing of Seven and Nine Mile creeks this side of Fairmount, in this county, and so on noting all the streams, as they crossed them, to the terminus of the route.

Owing to the prejudice which existed at Weston against our town the more violent of the Pro-Slavery men, and also the jealousy of Atchison and Kickapoo, who were our rivals, they being situated on the Kickapoo lands which were subject to private entry, while Leavenworth was located on the Delaware Trust lands, which were not subject to the same provisions, but by the terms of the treaty were to be sold to the highest bidder for the sole benefit of the Indians.

Some of these Atchison and Weston friends had taken the trouble to inform the Indians that we were all thieves and rascals and that we had squatted on their lands without any authority and would soon have their land all gobbled up, etc., etc. This so excited the Indians that they commenced making complaints to the Indian department at Washington through their agent. In the meantime Maj. Ogden, quartermaster; Maj. Machin, paymaster; Gen. F. E. Hunt, late assistant paymaster general; then Captain of Artillery; Dr. Samuel Phillips, surgeon; Gen. Magruder, Gen. B. C. Card, then Lieutenant Card, Gen. R. C. Drum, then

Lieut. Drum, Lieut. Robinson, Gen. Joseph E. Johnstone, late of Confederate fame, and many other officers at Fort Leavenworth, had become interested in the town by the purchase of shares of members of the Town Company.

An order came from Washington to the Military at the Fort to drive us off; thus we were placed in an unfortunate predicament between two fires, or the devil and the deep sea. We got the order delayed until we could make a showing. A committee from the Town Company was sent down to talk with the Delaware Indian Chiefs and get them to understand our position. After they became fully satisfied that the Town Company, as well as the settlers on their lands, which comprised at that time by far the largest portion of their county of Leavenworth open to settlement, were disposed to respect their rights and would pay the price fixed by the government, or which it might sell at public auction, they became reconciled.

An attempt however, was afterwards made, as I may have occasion to show, by Indian Commissioner Mannypenny, by maligning the character of certain officers at Fort Leavenworth, and as was charged attempting to blackmail the Town Company to bring the settlers on the Delaware Trust lands and the Town Company into trouble with the Indians, and also the government at Washington.

At the time first above referred to, a petition and statement of our grievances was gotten up with great care, and Judge L. D. Bird was dispatched to Washington to lay the same before the President and the Departments. Suffice it to say, at this time, the mission was successful and we were not removed.

"The Kansas Herald," a weekly newspaper bearing the above title was issued from Leavenworth. The first number bears date of Leavenworth, Kansas, September 15, 1856, published by Adams & Osborn. This was the first newspaper published in Kansas. The first number was issued, type set and paper struck off, from beneath the umbrageous shade of the historic old "Elm Tree," which stood for several years after, near the northwest corner of Cherokee street and the Levee or Front street. Adams was one of the original thirty-two members of the Town Company, a son-in-law of Gen. George W. Gist, a brother-in-law of Hon. John C. Gist, who lived and lately died at High Prairie township, of whom we have previously spoken.

Osborn, the other publisher, was a mere cipher on the paper, he remained connected with the paper but a short time, and was afterwards a U. S. Deputy Marshal under I. B. Donaldson, and made himself very officious in doing the dirty work of his masters in arresting and persecuting Free State men. He finally floated off with the rest of the scum that had gathered on the boiling tide of the Kansas caldron of 1855 and 1856.

I will further speak of the "Herald" in the next chapter, giving one or two incidents of the location and surroundings of the first office under the "Elm Tree" as seen by a traveler, and also a racy description of the second office in the first building erected in the town.

CHAPTER III.

Incidents in the Early Settlement of Leavenworth (continued.)

EARLY in September, about a month before the first sale of lots occurred, Rev. C. B. Boynton visited Leavenworth and described it as follows: "About thirty miles above the mouth of the Kansas river we came in sight of an entirely new object, unknown to all former experience,—a squatter city—Leavenworth City—three and a half miles below Fort Leavenworth on the west bank of the Missouri.

"In spite of the President and Cabinet and treaties, the city has squatted upon lands of the Delawares, over which Attorney General Cushing has declared Squatter Sovereignty has no jurisdiction. Twelve hundred or more "Sovereigns" have already, it is said, set up their thrones on these Delaware lands; and how they are to be despoiled of their kingdom, is a question which the government will not easily solve.

"A squatter city has little resemblance to any other city; it belongs to a distinct genius of cities. This is the largest and most important one, the capital, as many hope, of Kansas, and is therefore worthy of description. There was one steam engine, 'naked as when it was born,' but at work sawing out its clothes. (This was Murphy & Scrugg's saw mill, just set up at the mouth of Three Mile creek, north side.) There were four tents, all on one street, a barrel of water or whiskey under a tree, and a pot on a pole over a fire under a tree, a type sticker had his case before him, and was at work on the first number of the newspaper, and within a frame without a board on the side or roof, was the editor's desk and sanctum. When we returned from the territory to Weston, we saw the notice, stating that the editor has

removed his office from under the elm tree to the corner of Broadway (afterwards named Delaware) and the Levee. This Broadway was at the time much broader than the streets of Babylon; for with the exception of the 'Fort' there was probably not a house on either side for thirty miles.''

In form the ''Herald'' was a six column folio, ''$2.00 in advance.'' In it Lewis N. Rees advertised his dry goods and groceries, northeast corner of Broadway (Delaware) and the Levee. William G. Osborn, Bird & Miller, C. C. Andrews, A. W. Hazelrigg, A. J. Whitney, C. W. Babcock, B. H. Twombly and C. McCrea as lawyers; John Harvey Day, M. D. as a physician, and Samuel M. Lyons as a house joiner and carpenter. Mr. Osborn had his office in the ''Editorial room'' (frame) above described of the "Herald," that used to be under the elm tree, and was connected with the paper, but was a financial cipher, as above stated.

The next number of the paper was issued on the 22d, from the new building (as above stated) which Mr. Adams had erected, the first in Leavenworth. Chas. Leib, M. D., the first physician, had located for practice in ''The big tent,'' north of the big elm tree. But although the Herald building proudly raised its roof as the pioneer structure of Leavenworth, its office even when fairly occupied was not a paradise of neatness and order, as will appear from the following, which was written a short time after the issuing of its first number, by a gentleman from Baton Rouge, La., who visited the establishment:

''A visit to the printing office afforded a rich treat. On entering the first room on the right hand, three law 'shingles' were on the door; on one side was a rich bed, French blankets, sheets, table cloths, shirts, cloaks and rugs, all together; on the wall hung hams, maps, venison and rich engravings, onions, portraits, and boots; on the floor was a side of bacon carved to the bone, corn and potatoes, stationery and books, on a nice dressing case stood a modern tray half full of dough, while crockery occupied the professional desk. In a room on the left, the sanctum, the housewife, cook and editor lived in glorious unity, one person. He was seated on a stool, with a paper before him on a piece of plank, writing a vigorous knock-down, on an article in the ''Kickapoo Pioneer,'' a paper of a rival city. The cook stove was at his left and tin kettles all around him; the corn cake was a-doing and in-

FIRST DWELLING HOUSE IN LEAVENWORTH, ERECTED IN 1854

stead of scratching his head for an idea, as editors often do, he turned the cake and went ahead.''

In politics the Herald was Democratic at its commencement, but it afterwards became intensely Pro-Slavery under the editorial management and proprietorship of Gen. Lucien J. Easton, formerly of Chillicothe, Missouri. He died a few years ago at Glasgow, Mo., a gentleman of good editorial ability and highly esteemed. He was a leading and influential member of the First Territorial Council from this county in 1855 and 1856. Of H. Rives Pollard, Assistant Editor and the fiery Virginian, I will speak bye and bye.

I may have occasion to speak further of the Herald at some future time. The second issue of the paper was on the 22nd of September, 1854, from the first building constructed in town, then situated on the Levee on the east end of the second lot south of Delaware street, a one story cottonwood house 16x24, lot 10, block 2. Afterwards a two-story frame house was built on the Main street end of the same lot fronting west, and the Herald office was moved into the second story, stair on the outside. John Landis afterwards occupied the first building as a bakery and was burned out. The lot is now occupied by the Union passenger railroad depot and grounds.

The very early facts connected with the town of Leavenworth have been presented in the sketch of the Town Association heretofore narrated. Although by the latter part of September, 1854, the Herald and its proprietors were safely housed in the first building ever erected in Leavenworth; although Lewis N. Rees had built his little store-house on the lot on the southeast corner of Delaware and the Levee; although Uncle Geo. Keller and his son-in-law, A. T. Kyle, were about to open their Leavenworth House on the southeast corner of Main and Delaware streets, where John Joerger had his Missouri Pacific railroad ticket office; although the hotel was some thirty feet nearer Heaven than John's late office was, owing to the lay of the land there, in those halcyon days; although Jerry Clark had erected a small dwelling house—the first dwelling house in town—on the southwest corner of Fourth and Walnut streets, where the Carney house now stands, which house is still standing on the alley between Fourth and Fifth streets and Olive and Spruce streets, where it was moved several years ago,—still the first families had

not located in Leavenworth until those of Adam and George Fisher made their appearance. Having brought some lumber with them from St. Louis, they erected a shed on the Levee, just east of Cherokee street, in which they lived until they could get a house built. Both of them did much for the development of Leavenworth. Adam, especially, was one of the most energetic, capable and public spirited men who ever lived in the city. He was a city councilman two or three terms, built some five or six dwelling houses and two hotels; several houses built by him are still standing in the city.

When the Civil war broke out he went into the army. The latter part of his life he lived on a farm in Virginia and later in Washington City, where he died about a year ago. His brother George settled on a farm on the Lawrence road, now occupied by his son-in-law, Ex-Sheriff Flora, where he died about two years ago, a highly respected citizen of the county. When they first settled in Leavenworth, in October, 1854, Mrs. George Fisher, who still lives in the city, carried in her arms the first baby which had ever blessed the community—her three months old boy.

One of the earliest and most valuable institutions of Leavenworth in the way of buildings, which commenced to flourish at this time, was the saw-mill of Murphy & Scruggs, at the mouth of Three Mile creek, north side; I advanced them the money to pay the steamboat freight bill, $96.00, and took my pay a long time afterwards in cottonwood lumber at $35.00 a thousand. Capt. W. S. Murphy and Capt. Simon Scruggs were partners and completed the mill in the fall of 1854, so that they were able to issue the following advertisement in October:

"Murphy & Scruggs have erected and have in successful operation at Leavenworth, K. T., a large steam saw-mill of the most approved model, and with all the recent improvements. They are ready to fill bills for lumber of every description and in quantities at short notice, and on favorable terms."

This was the first saw-mill not only in the county, but in the territory. Although they made considerable money, the death of Capt. Murphy, and the subsequent legal complications, so disarranged and consumed the partnership property, that Capt. Scruggs lost nearly all his share in Leavenworth and retired to his farm near Kickapoo, where he died several years ago.

But to return. The day before this advertisement appeared, a very important incident for the town occurred. This was the opening of the Leavenworth House, the first hotel in the territory. The steamer Polar Star, from St. Louis also brought up Governor Reeder, of Easton, Pa., the first governor of the territory of Kansas. I shall only refer briefly to Governor Reeder in this connection and only so far as he was connected with our town at the time, as I have fully and in extenso reviewed his reign and its sequel in my former sketches of Early Kansas Governors.

143140

The First Store-Houses in the Town.

As we have stated in a previous sketch, the first store-room erected in the town was in the summer of 1854, by Lewis N. Rees, on the northwest corner of Delaware street and the Levee, where the Union railroad depot now stands. It was a general store with a liberal stock of goods of all kinds suitable for the trade of a new country. It was a frame building 24x40 feet, with a ware-room about the same size in the rear towards Main street. Mr. Rees was also the first postmaster in town and kept the office in his store at the above place for a number of years until a new postmaster was appointed, and the office was moved up on Main street nearer the business center and more accessible to the public as the town increased in population.

The next store, if I mistake not, was that of Englemen Brothers on the Levee about the middle of the block, between Delaware and Cherokee streets. It was a grocery, and steamboat stores, with fresh meat occasionally. This was in the fall of 1854. They remained here at the same place about two years and then removed to Lawrence. I do not call to mind the order in which other stores were established. In 1854 and 1855 the following stores commenced business: Nelson McCracken, on Water street, near Choctaw, he afterwards moved upon Delaware street, north side; first built a stone store-house. In digging for the foundation of a house on the east side adjoining, the east wall of McCracken's store became so weakened that he had to take it down which he did, and rebuilt the three-story brick now standing, occupied by Wm. Parmelee as a mattress factory. Adam Fisher had a general store, southwest corner of Water street and Cherokee. James L. Byers and M. M. Jewett had a grocery store on

Water street near Choctaw. White & Fields had a dry goods store on Water street below Cherokee street. All the lots fronting on Water street where these stores and J. W. Skinner's steamboat agency and lumber office stood, are now occupied by the Union Pacific R. R. freight office buildings and sheds. A. M. Clark (afterwards A. M. and M. E., bankers) had a grocery store on Cherokee street, south side, west of Third street; Cohn & Abel, general store on Water street, south of Cherokee street; Col. J. C. Clarkson, general store, southwest corner of Cherokee and Second streets. Hall & Wolcott, dry goods store, south side of Cherokee street between Second and Third streets; George Russell, stove and tin store, east side Main street near Delaware street; Strass, Block & Rosenfeld, dry goods and clothing, between Third and Fourth streets, on south side of Cherokee street; Shannon & VanDoren, general store on Cherokee street between Second and Third streets; James Dixon, dry goods, on Cherokee street between Second and Third streets; Meyers' Grocery on Levee, north of Cherokee; Phillip Rothchild's clothing store on the Levee, north of Delaware street; E. Cody, grocery store, west of Main street between Delaware and Cherokee streets; R. E. Allen, drug store on Main street, west side, north of Delaware; Wm. Russell's dry goods and plain outfitting store, on east side of Main street where Bittman & Todd's wholesale grocery store now stands. This was the largest establishment of the kind on the Missouri river above St. Louis.

There were other stores whose names and location we do not now call to mind. Of course saloon and gambling houses flourished in all river towns in those early days and were run wide open, bridle over the head, and lid off entirely.

As will be seen by the above, most of the business of the town, in 1854 and '55 and for several years after, was done near the river on the Levee and Water street, Main and Cherokee streets and the lower end of Delaware and Shawnee streets between Main and Second streets. The steamboats on the Missouri river were the great highway of communication for travel and freight with the outside world. It was no uncommon sight to see four and five steamboats at the Levee at one time, in those early days, loading and unloading freight of all kinds, and passengers. The great freighting firm of Majors, Russell & Waddell and later Alex Caldwell, Irving & Jackmen received most of their

government freight and started their almost endless trains across the plains from this point. Later the Pike's Peak Express started from here. Those were lively days in the old town.

CHAPTER IV.

Gov. Reeder's Arrival in Kansas. Col. A. J. Isaacs Attorney General. Other Incidents. The First Church Service in Leavenworth. The First Squatter Trial in Kansas. Squatter Meeting in Leavenworth.

TO continue the narrative, at the close of our last chapter, Gov. Reeder did not come to Leavenworth at first, but stopped at the Fort, and undoubtedly he escaped being made a prisoner of war by the hospitable people of Weston, Mo. Great preparations had been made to receive him at Weston, a little scheme to capture him in advance, but his stopping at the Fort greatly disappointed the Weston boys. Col. A. J. Isaacs, of Alexandria, La., (whom I had previously met, when I resided in that state, prior to my living in Weston) the newly appointed Attorney General of the territory, accompanied him. In the afternoon a delegation of citizens waited upon the Governor at the Fort, and a very respectable crowd, in numbers at least, had assembled at Capt. Hunt's quarters. Dr. Leib, late of Illinois, but a citizen of Kansas and a resident of Leavenworth, addressed the Governor in behalf of the citizens of the territory there assembled. The governor replied in a neat, happy but brief speech, after which the champagne flowed generously.

Of Col. A. J. Isaacs, who lived here in Leavenworth until his death a number of years ago, it is but justice to his memory in this connection for me to say, that although Southern born and raised, during the entire time he occupied the responsible position of Attorney General of the Territory of Kansas, and during our entire troubles, Col. Isaacs never said or did aught to injure Free State men or attempted to deprive them of their full rights and privileges under the law. He was never guilty of prostituting his high office (as I regret to say some other Kansas officials

of that day did) to the injury and disparagement of any person. While all knew his natural predilictions were in favor of making Kansas a slave state, he always counseled moderation and liberality to all. He bore himself in a high-toned generous, chivalric manner towards all men without distinction of party. He occupied his official position with honor and credit to himself and lived and died in our midst, beloved and respected by all who had the pleasure of his acquaintance. An able lawyer, a true friend, a kind and devoted husband and indulgent father, the embodiment of a true cultured, courtly Southern gentleman and a most worthy and highly respected citizen.

Our Town Company had a strong religious element in its organization owing to the predilictions of Gen. Gist, who as he was the father of the movement, claimed the right to name among the first members of the company, a liberal number of ministers and laymen, especially of the Methodist persuasion, of which the General was a devoted member, with a fair sprinkling of lawyers and world's people. As I divided the sheep and the goats, there were in the flock, ministers three, lawyers four, doctors five, printers two, merchants four, surveyors one, army officers two, army clerks one, and farmers eight, and all more or less of a religious turn of mind, so we sort of early mingled our town affairs with a small leaven of religion as we no doubt needed it.

The first church service and preaching held in the city, was by Elder W. G. Caples, one of the original members of the Town Company, on Sunday, the 8th of October, 1854, in the open air under the shade of a large tree, on the bank of the Missouri river, to quite a number of persons, the precise locality I cannot now recall, although I was present. I think it was near where the Kansas Central elevator now stands or a short distance north, nearer the reserve line, I may be mistaken and should be pleased to be corrected by any one who was present. Elder Caples was a Presiding Elder of the Methodist church South, in the Platte district, at the time, a relative of Gen. Gist. He died some twenty years ago at or near Glasgow, Missouri. The next religious services held in the town was a short time afterwards, and conducted by Rev. Father Fish, I think, a Catholic priest of Weston, Mo., at the house of Andy J. Quinn, on Shawnee street, south side, between Second and Third streets.

Of good Bishop Meige, who came here quite early, and his labors, I will speak at some future time.

The first squatter trial held in Kansas. As an instance of the way in which squatter law was enforced by the courts in Kansas and especially in Leavenworth county previous to the arrival of the Governor and other territorial officers, I will briefly relate a single incident, which came under my own observation. On Tuesday, the 20th day of September, 1854, I was employed by Capt. J. W. Martin (afterwards celebrated as captain of the Kickapoo Rangers) to go to Salt Creek to attend a squatter court for the trial of the right to a certian claim, between Capt. Martin and a man whom it was charged had jumped the claim during Martin's absence at Liberty, Mo., for his family. A jury of arbitrators were empaneled by each party selecting one, and the President of the court acting as the third, and a gay court it was. Witnesses were duly sworn and the case proceeded regularly, arguments and occasional "smiles" by the counsel of the respective parties and the judicial department and the case was submitted. After due deliberation, and several spiritual manifestations from "Brown Betsy" not Blackstone, the court made the unanimous deliverance that Capt. Martin was entitled to the claim, and an order of restitution was then issued to the marshal of the squatters court, Malcolm Clark, Esq., that he put the trespassers off the claim, and put Martin in possession. As it was late when the order was issued, the marshal deferred the execution until the next morning. In the meantime he summoned a posse to go with him the next morning and execute the order. He summoned them from the settlers who were there, (and not as Sheriff Jones in after years, was in the habit of doing, summoning them from the state of Missouri) including myself, having been the winning attorney. He said it was my duty to go along and see and if necessary assist in executing the order of the court. This I believe was the first case tried under the squatter's court, at least it was my first case. The next morning by nine o'clock the marshal and his posse were on hand to see the majesty of the law maintained and enforced. We repaired to the claim and found the woman and children in the cabin but the man had fled to the brush and left the old woman to fight it out, and "right well" did she maintain her position, and a rich time we had. Neither the marshal nor his posse felt in a humor to fight a woman,

and she swore they would take her out dead before she left. After a good deal of coaxing, some threats and considerable force, we succeeded in getting her, her children and household goods, (plunder as it was called) into a wagon and set them out on the prairie and off the claim. She threatened to burn the cabin that night or as soon as we left, and Martin was obliged to hire a couple of men to watch it until he could get his family there from Weston.

Squatter Meeting in Leavenworth.

Owing to the continued complaints to which I referred in my last article, made by the Delaware Indians and other parties, who appeared to be greatly exercised by the success of Leavenworth, as the town was progressing rapidly, it was thought advisable to call a squatter meeting composed not only of those who were interested in the town, but the squatters generally who had settled on the Delaware Trust lands, in what is now a large portion of Leavenworth county, and take some decided action. Accordingly a meeting was called to be held at Leavenworth on Friday, the 29th day of September, 1854. A large crowd assembled, as it was a vital question to all of us. The meeting was duly organized and a committee on resolutions appointed, of which I had the honor to be one. We reported in a short time, and another committee appointed, of which H. Miles Moore was chairman, to prepare a memorial to the President and Congress, setting forth our situation and grievances, and the great injustice which by the Delaware treaty was being imposed upon us. The settlers on the Kickapoo lands adjoining, were allowed by the terms of the Kickapoo treaty, to pre-empt their land at $1.25 per acre, and our land was to be appraised and sold to the highest bidder, really offering a reward for swindling the Indians by combination among the settlers, to prevent the lands bringing more at least than the government price for pre-emptable lands, which we were all willing to pay. Our memorial prayed that the treaty be so modified as to extend the pre-emption law of 1841 over the Delaware Trust lands.

Although we did not accomplish our wish at that time, we did by a combined effort afterwards and by interesting the territorial officials, and perhaps some parties at Washington we succeeded in having the lands and townsite sold at Fort Leavenworth in

opposition to Indian Commissioner Manny Penny and some personal friends who wished and came very near having the sale made at St. Louis and Washington, as they plausibly said to avoid squatters on the lands to rob the Indians.

CHAPTER V.

SETTLEMENT OF THE DELAWARE LANDS IN LEAVENWORTH COUNTY. PUBLIC SALE OF LOTS AT ATCHISON. FIRST DAYS OF PUBLIC SALES OF LOTS. HIGHEST PRICE LOTS SOLD THAT DAY.

AT the time of the sale of the lands referred to in my last, many of the squatters had permanent, lasting and valuable improvements upon the lands, having occupied and farmed them over two years. The townsite was not sold for over a year after the outside lands were sold,as I shall hereafter show, and then at an outrageous valuation considering the fact that the Town Company by their money and energy had given the lands their increased value over ordinary wild lands. Of course had the lands or townsite, or either of them been sold at St. Louis or Washington or at any other point where they were sold, or in this vicinity, the settlers and the Town Company would have lost their all. Does anybody believe that Manny Penny and his satellites would have robbed the Indians? Of course not. Men of that stripe have not been engaged in that laudable, praiseworthy and Christian enterprise for the last thirty-five years in even holy Kansas and elsewhere, *vide* Brothers Harlin, Pomeroy, etc. No, but they would not hesitate to rob the poor settler, who had penetrated these, then Indian wilds with his family, and by his industry, energy and enterprise had built him a little cabin, and was industriously making himself and his family a home in the wilderness; and by whose untiring efforts, had sprung into existence as if by magic, a full panopled and mighty commonwealth. We were glad, willing and anxious to pay the Indian all his land was worth when we took it, although it was as I said before, appraised outrageously high afterwards. The settlers and Town Company paid the price without a murmur, only demanding as a right that they get it at the appraised value, which they did,

I am happy to chronicle, in most if not all cases. For the 320 acres which comprised the now city proper the Town Company paid Mr. Lo over $24,000. Of all of this I will speak more in the future when I reach those sales, if my readers do not weary of these hasty, though dull and prosaic sketches.

Although in these sketches, we are giving the early settlement of Leavenworth and incidents connected therewith, it may not be entirely out of place to give a slight notice of the first public sale of town lots at Atchison, a rival town of Leavenworth, as the three towns, Atchison, Kickapoo, and Leavenworth were sort of triplets, having sprung as I have previously said, from a common mother, old Mrs. Weston, of Platte county, Mo. While our triplet sister Kickapoo was always a little runty, for a number of years she was a very loud and noisy little cuss, making as much music as a pig caught under a rail fence, a great wind jammer, and above all things, a most able-bodied voter; alas and alack, how are the mighty fallen.

The First Public Sale of Lots at Atchison.

On the morning of the 21st of September, 1854, the steamer, New Lucy left Weston carrying quite a crowd to attend a public sale of lots at Atchison on that day. This was the first public sale of lots of any town in Kansas. Atchison, as I have previously stated, was then the rival of Leavenworth, and was intensely Pro-Slavery, and continued to be the headquarters of "Border Ruffians," as they were called, and of all emigrants and bands of men from the South who came to settle in or subdue Kansas, as the case might be, and perhaps the rivalry has not entirely ceased on the part of the towns even at the present day, but if any does exist, thank God it is a generous and high-minded rivalry, not the base and sordid kind. But in those days different motives actuated the parties; then Leavenworth was charged with being an Abolition town, and Atchison the embodiment of the other extreme and right well did she maintain her position, as the "Squatter Sovereign" from the day of its birth, till the hour of its dissolution fully proved. See also the trials of Rev. Pardee Butler at the hands of his *friends* in that town, and other cases of persecution for opinions sake. This continued to a greater or less degree until after the defeat of the Lecompton Con-

stitution, and the entry of Pomeroy, McBratney and other Free State men into the town to save it from the Pro-Slavery defeat and early demise.

At the urgent request and solicitation of the very men who for long years had prided themselves upon the fact that no Abolitionist or Free State man had darkened the doors of any house in that town or eaten a "square meal," within its sacred precincts or pressed the feathers of any couch in that lovliest city of the plain, except they formed a coat on his back, stretched on with old pine tree staple commodity. The Herald of Leavenworth, not to be outdone in loyalty to the South and her institutions by the Squatter Sovereign, vied with that paper and the Kickapoo Pioneer, aided by the voice and influence of many of her then citizens, to cast off the pretended stigma which she feared was being cast upon her of being a Free Soil or Abolition town, as I shall show in the future, in the treatment of Phillips and a number of others who suffered indignities at the hands of the Pro-Slavery mob, who at times controlled Abolition Leavenworth, as she was sometimes called by her pretentious sisters, Atchison and Kickapoo and her half-sister, Delaware. Of these last two mentioned towns I may say a few words before I close these sketches, although at present, their once stately palaces have been removed by that fell destroyer time or that ever hungry Missouri river in the one case or Matt Boyle in the other, or if still standing are the abode of owls and bats. They once had a voting history and a thriving, busy population and vied with Leavenworth as a metropolitan town in the race for supremacy, at least on the county seat question.

I now come to the second or most important event or epoch in the early settlement of Leavenworth, viz: the first public sale of lots in the town, which took place in this city on Monday and Tuesday, the 9th and 10th days of October, 1854. Considerable preparation had been made for this sale by advertisements and hand-bills and a considerable crowd assembled, many of whom had come from a distance for the purpose of attending the sale. The survey had been completed, the streets down town had been cleaned of rubbish and marked with their names. Those parallel with the river had been numbered as far out as Seventh street. The cross streets were named after Indian tribes, commencing on the south with Choctaw, as we have previously shown. The

streets parallel with the river are 60 feet wide and the cross streets 60 and 61 feet wide except Delaware, which is 70 feet wide. The lots are 24 feet front by 125 feet deep, and there are 32 in a block, except a few in the lower blocks 110 feet deep as shown on the plat of the town proper. Through the center of each of the full blocks, runs an alley 14 feet wide. Seven blocks I believe were laid off next the river as warehouse blocks, the fronts of which were about 150 feet from the water edge. All the space between Main and the river except these several half blocks, were donated for a levee and esplanade.

The terms of the sale were to be one-third cash in hand and the balance when the title was secured to the purchaser by the Town Company. The Town Company had already expended large sums of money by assessments upon the shareholders, and it became necessary to expend a good deal more to still further clear off the townsite, open streets, make a levee or landing, pay expenses for printing and lithographic maps, etc., and the shareholders did not feel like contributing further cash from their own pockets, to defray expenses which they believed a public sale of lots could and would be a success and aid in defraying the general expenses, and, again it was necessary to advertise their own lots, and this we thought was the most expeditious and profitable way to accomplish a double purpose; accordingly the plan of a public sale was adopted. How well it succeeded I will show presently. General George W. McLane, of whom I will speak at length, among one of the most interesting characters that have ever had a habitat in this city or in Kansas, a gentleman of the first water, was selected as auctioneer, and a trump card he was at all times. I being secretary of the Town Company at the time, kept a list of the sale of all lots sold, the price for which they were struck off, and the names of the purchasers. I have the original list in my hand writing, and the map or ink sketch from which McLane sold in my possession. But few lots either day were bid off by members of the Town Company, mostly sold to strangers and outsiders. Although the lots were but one-half the size of the lots sold in Atchison a few days previous, at their public sale of lots, they brought about double the price, one lot being but 24 feet wide and 125 feet deep and some only 116 feet deep, as both reports show. The first day 54 lots were sold, mostly on Main street and the Levee, and amount of sales the first day were

about $7,500, as they were front lots in blocks 1, 2, 3, 11, 12, 13, 14, 15, 17, 18 and 19.

I give a few as copied from the list kept by me above referred to. The highest price paid was for lot 3, block 3, where Catlin & Knox wholesale boot and shoe store now stands. It was sold for $350 to Capt. Jas. A. Grant, U. S. army; lot 4, block 2, to W. G. John, $345; and lot 10, block 2, to same party for $330. The lowest priced lots sold the first day were to Charles Mundee, lots 20 and 21, block 14, each $50, north side of Osage street, next to alley between Main and Second streets.

CHAPTER VI.

SECOND DAY'S PUBLIC SALE OF LOTS IN LEAVENWORTH, OCTOBER 10, 1854. JUDGES JOHNSTONE AND ELMORE, U. S. TERRITORIAL JUDGES. DEATH OF GEN. GEO. W. GIST.

THE second day's sales were fifty lots, and were sold from blocks 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 and one or two lots from 32 and 33. The highest price the second day was for lots 15 and 16 in block 25, C. A. Williams, purchaser, price $200 each lot. The lowest price paid for lots that day was for lots 15 and 16 in block 31 to C. Mundee, and $50 for lots 19 and 20 in block 31 to Clinton Cockrill, and $51 each for lots 19 and 20 in block 32 to Peter Hanroons.

The whole amount for which lots were sold both days was $12,000, terms: one-third cash in hand, and two-thirds to be paid when the title was assured from the Town Company or the United States. Purchasers gave notes for the two-thirds not paid, and the trustees gave bonds for deeds when titles were completed. Governor Reeder was present at the sale, and bought or caused several lots to be bought for him. The morning of the second day before the sale I went up with the trustees of the Town Company to Fort Leavenworth where Gov. Reeder was stopping, and they directed me to transfer on the town books to him, five shares, which were held by the trustees for the benefit of the Town Company, calling for twelve lots each share (sixty lots) for the sum of $1,000 worth at least $4,000 then, now worth $75,000 to $100,000, to be paid for soon. I may add he also agreed, *subrosae*, to put the capitol of the territory at Leavenworth, which latter part of the contract he afterwards, when he got the shares all safe and the lots all drawn, forgot to fulfill, but started another little capitol town speculation, as the history of Kansas will show, at Pawnee, near Fort Riley. Reeder was the first of the immaculate

governors, who were so beautifully supplied in her territorial tutelage. He always had an eye to the main chance. He was a gem of the first water, pure, serene, cats' eye quality, perhaps a moonstone. I do not think our books show that he ever paid the $1,000. If he did, he forgot the little capitol matter. The boys often laughed about the trick that Reeder had "Yankeed the trustees out of those town shares."

A little incident occurred just at this time, which may be worth noting, the issuing of the first original warrant in the territory. On the second day of the sale of lots, before the sale closed, Gov. Reeder was called away to issue a warrant for the arrest of one, Samuel Burgess, charged with having killed two men, Thompson and Davidson in Salt Creek valley. The killing proved to be a mistake however. But I allude to this matter as I desire to give every public incident in those days in our town and county proper notice so far as I am able to give correct dates. If any person can satisfy me I am wrong, in any particular, I would take it as a special favor to be corrected. In this instance I desire to mention that Col. John Doniphan, then a young attorney at Weston, Mo., an old friend of mine, now one of the leading members of the St. Joseph, Mo., bar, prosecuted Burgess, it being the first criminal prosecution in the territory.

Another incident in town. The next day, the 11th of October, 1854, the steamer, F. X. Aubrey reached here early that morning from St. Louis bringing two of the three United States Territorial Judges for Kansas, Hon. Saunders W. Johnstone, of Cincinnati, Ohio, and Hon. Rush Elmore, of Montgomery, Alabama. In the first judicial districting of the territory which took place some time after this date, Judge Johnstone was assigned to the Third Judicial District, the extreme western portion of the territory, the home of the buffalo and coyote, for what to a great many of us seemed obvious reasons. He being from a free state, it was conceived he might not be "sound on the goose," at all events they thought it might not do to trust him. Although the Judge had but little judicial business to attend to in his vast district during the time he held the office, it was universally conceded by all parties that he made a most excellent and honorable judge. Some time after his retirement from the bench, he came to Leavenworth and followed his profession very successfully as the head of the law firm of Johnstone, Stinson & Havens.

Of this gentleman we will speak more at length at the proper time. He returned to Ohio afterwards, and the last information I had of him he was engaged in Washington practicing before the Departments.

Of Judge Rush Elmore, I trust I will be excused in speaking of him at this time as so many of us Leavenworth boys had occasion in after years to remember his successor, Judge (Jeffries) Cato, to his dying day, so great was the contrast between these two judicial sons of the Southland. In the districting of the territory, as above stated, Judge Elmore was assigned to the Second or middle district, and lived at Tecumseh until the county seat of Shawnee county was removed to Topeka. Although Judge Elmore was a Southern man and believed in the institution of slavery and as an earnest believer of his faith, brought his slaves with him to Kansas to the number of at least ten; he told me in the spring of that severe winter here of 185 5 and 1856 in canvassing the question of slavery in Kansas, that nature and nature's God had settled that question to his (Elmore's) entire satisfaction in Kansas; that during the winter Mrs. Elmore and himself had been obliged to work themselves to death to keep their darkies comfortable, they having been accustomed to the mild climate of Alabama, could not endure the rigors of a Kansas winter. That the men could not cut wood enough to keep themselves warm, and for the women to cook their food, and that he and Mrs. Elmore had been obliged to nurse and take care of them, and do their work to keep them from freezing. If anybody wanted to fight about slavery in Kansas they could count him out. Of course a gentleman who entertained the liberal views that Judge Elmore did, would fill the bill as required by the minions of slavery, and he gave place to Judge Cato of the same state, as we have said. If Cato did not fill the full measure of their most extravagant desires in the interest of slavery and its friends, then the writer of this has most strangely forgotten, his (Cato's) cruel treatment of the Free State prisoners at Lecompton in the summer and fall of 1856, when Mark Parrott and myself went up there day after day to defend them without fee or reward, save an approving conscience.

Judge Elmore lived and practiced his profession at Topeka as the senior member of the firm of Elmore & Martin, the latter being Col. John A. Martin, late U. S. senator, and former judge

of the district court at Topeka. Judge Elmore lived at Topeka as above stated, until his death which occurred a number of years ago; he died as he had lived, beloved and highly respected by all who knew him, as an able lawyer, a profound jurist, a devoted friend, and kind and indulgent husband and parent, a most highly respected and worthy citizen and a true Christian gentleman.

Death of Gen. Geo. W. Gist.

Gen. Gist, father of John C. Gist, one of the best known and most substantial farmers and a highly respected citizen of this county and who passed away about two years ago at his home in High Prairie township, as I have before stated, was one of the original founders of Leavenworth, and the first President of the Town Company, and so remained till a short time before his death, which sad event occurred at Weston, Mo., on Tuesday, the 21st day of November, 1854, at one o'clock p. m. He was buried the next day with Masonic honors, he being at the time a member of the Royal Arch Chapter at Weston. The fraternity in Weston and adjacent towns turned out in large numbers, as did the citizens generally to do honor to his memory. It was one of the largest and most imposing funerals ever seen in the West. He was born in Baltimore county, Md., in the year 1795, being 59 years of age, so said the record. The General and the writer were intimately acquainted, and as office rooms were scarce in Weston in those days, we occupied the same office together, with old Captain Scruggs, who was a constable at the time, for a number of years prior to our locating and laying out Leavenworth. He had never moved to Leavenworth, although he had intended to do so in the spring of 1855.

Gen. Gist was a man of more than ordinary abilities. He had held several offices of public trust, honor and confidence, the varied duties of which he filled with marked ability. He was highly respected by all, a man of good sound judgment, a most excellent and worthy citizen and a truly exemplary Christian gentleman.

CHAPTER VII.

First Convention Held in Leavenworth to Nominate a Delegate to Congress. First Congressional Election Held in Kansas, Etc., Etc. Election in Leavenworth.

ON Wednesday, the 15th day of November, 1854, the first pretended convention was held in Leavenworth for the purpose of nominating a candidate for delegate to Congress from Kansas territory, election to be held on the 29th of November, pursuant to proclamation issued by Governor Reeder who had made an extensive tour through the settled portions of the territory to see the people and learn their wants and to enable him to select places for holding the election and appointing judges for the same. Shortly after Gov. Reeder's return from said tour to Fort Leavenworth, he issued said proclamation, dated Fort Leavenworth, November 10th, 1854.

The oath as provided by said proclamation to be taken by the judges was "that they should reject the votes of all non-residents, who they should believe had come into the territory for the mere purpose of voting." He defined the word resident as issued in the organic act to mean, "The actual dwelling or inhabiting in the territory, to the exclusion of any other present domicile or house coupled with the present bona fide intention of permanently remaining for the same purpose."

Of course this proclamation was not very acceptable or palatable to the Pro-Slavery men of Kansas or Missouri, for if the judges of election were to be governed by its provisions the chances of their being able to control the election or elect their man whoever he might be, looked a little slim; therefore it became necessary to move at once, and get possession of any and all conventions that might be called in the territory, and if necessary to overawe the then residents of said territory, who perchance might

be opposed to their dictation and inclined to think and act independently for themselves. Of course the citizens of Kansas had no political organization at this time, even the neighbors had rarely a speaking acquaintance with each other in many instances where they came from the same state.

The Free State men were exceedingly quiet, without leaders and with no organization, at least in the border counties or in the territory. On the other hand the Pro-Slavery men in Missouri, by means of their Blue Lodges were fully organized and pledged to move on Kansas with an overwhelming force at a moment's warning, whenever it should be necessary to carry an election there, or take steps which might be necessary to control political matters within the boundaries of their protegee, as long John Staunton, a gambler about Leavenworth in those days, who came from Weston, used to say, "Kansas belonged to Missouri, she found it first." These chaps claimed it by right of discovery. The Pro-Slavery men of Kansas at that time and for some time afterwards, were but the echo of their leaders in Missouri until they declared their independence, which in due time they did, at least in Leavenworth, as I may have occasion to show in the future. Missouri deemed it of the most vital importance that an out and out Pro-Slavery man, one on whom they could rely in any and all emergencies, should be nominated and elected as delegate to Congress from Kansas; accordingly as soon as Reeder's proclamation, above alluded to, was published calling for an election on the 20th of November, 1854, the hogag was sounded, the drum was beat and the cohorts from Missouri rallied at Leavenworth on the 15th of November, to the number of 250 to 300, to interest the people of Kansas in their political duties, and, if necessary, to provide them a candidate for Congress to be voted for at the approaching election. It may not, however, be out of place for me in this connection to state, that while a number of the members of the original Town Company, as well as those who had bought shares and town lots at our late public sale, were decided Free State men, they were ready and willing to let that question remain in abeyance for the present election, as well as all who were settlers on the Delaware Trust lands, deemed it of the most vital importance for the safety of our town interests as well as for the county of Leavenworth, that the delegate to Congress should be pledged to protect us at Washington and not allow the

government if possible to drive us off of these Delaware Trust lands, as I stated at length in the last chapter. Keeping this idea prominently before them, the Free State settlers in both the town and county were willing that a positive Pro-Slavery man should be nominated and elected (other things being equal) if he would give us a public pledge that he would protect the interests of the Delaware settlers in that behalf. The Pro-Slavery leaders of Missouri, ever on the alert, at a glance comprehended the position in which we were all placed at Leavenworth and in the county, and at once and without a moment's delay, entered the breach and took possession of the citadel, and dictated to us for whom our suffrages should be cast at the approaching election.

Accordingly the pretended convention to which I have alluded to above, was called first in the Blue Lodges of Missouri, and the boys from them generously, vigorously and promptly responded. A large number gathered in Weston the day before, and were on hand early to march down to Leavenworth and show the boys how the things must be done. The crowd assembled and the meeting was duly organized, several speeches were made and among others, J. W. Whitfield, late agent for the Arrapahoe Indians, at or near the present town of Pueblo, Colorado, as I now remember. He drew his mileage in Congress afterwards like an able-bodied man, from Fountaine-le-Bouille, which was only about a thousand miles west of where his constituents lived, or where he received a vote. But to return, Whitfield made a good speech and pledged himself in the strongest and most positive terms, if elected, to protect the settlers on the Delaware Trust lands, including the town, to the best of his ability. As I said before, this question, at that time was the all-absorbing question with us, the question of preserving our homes and our all, rose higher and extended beyond all others in our then great emergency. Many of us had his private pledge to the same effect. In looking over the crowd it was too evident that by far the larger portion of them were residents of Missouri. It would have been a little too bold faced to have made a nomination then and there by that crowd. Whitfield saw it at a glance. He was a stranger to most of the crowd and a nomination then might defeat him. Strong resolutions were passed and it was universally conceded that he should be the candidate of the Pro-Slavery party, although

he shrewdly avoided calling himself a party man at that time. He was the people's and squatters' candidate. I copy from my journal of that date to show that I shared in the common and prevailing sentiment of our people at that time. I was at Weston the day before the convention:

"Wednesday, the 15th of November. This morning got horse of Newman & Belt, liverymen, and went over with the crowd to Leavenworth to attend a pretended convention to nominate a candidate for Congress; a large number were there, 250 or 300. It was the unanimous opinion of all that no nomination should be made; Gen. Whitfield spoke and I believe will be almost universally voted for in this part. The only fear is Col. Wakefield on the south side of the Kaw river (the Yankee country as it is called) is an Abolitionist, and would be opposed to our Delaware interests; while Gov. Whitfield pledges himself in favor of us soul and body (and I may say in passing, he kept his pledges faithfully and well afterwards). Should we split here, Wakefield would be elected and we go to the d——l."

The First Congressional Election in Kansas.

There were three candidates in the field for Congress at this election, only two however were voted for at Leavenworth on that day. Gen. J. W. Whitfield, was the recognized Pro-Slavery Democratic candidate, although as I have above stated he had tried to avoid making that issue, as had his competitor, Judge Flenneken. The other candidate here was Hon. Robert P. Flenneken who came out with Reeder from Pennsylvania in October, 1854, for the express purpose of running as a delegate to Congress. He was said to be a Free State Democrat. As soon as the election was over he returned to Pennsylvania and has never been seen in Kansas since. Thus you see, Kansas even in infancy, received a double blessing, one from Missouri, in the shape of the tall Tennesseean, surnamed Whitfield, the Arrapahoe Chief, and the corpulent dutchman (not German) Flenneken by name, from Pennsylvania. The third and last was judge Wakefield, the only Kansan in the lot and he an Abolitionist so they said, but of course he received no votes in this portion of Kansas, which as Long John said,"belonged to Missouri, as we Missourians found it first."

CHAPTER VIII.

First Congressional Election in Kansas, Continued From Last Sketch. U. S. Senator Atchison of Missouri, Idea of Who Have a Right to Vote in Kansas. First Death of a Resident of Leavenworth. First Public Sale of Town Lots at Kickapoo.

OUR friends in Missouri had been fully advised that they were expected to do their duty at this election. In a speech made by Gen. Atchison, November 6th, in Platte City, I believe, (I quote from the Platte Argus of Weston) Gen. Atchison, address ing a crowd, said, "When you reside in one day's journey of the territory, and your peace, your quiet and your property depend upon your action, you can, without exertion, send five hundred of your young men who will vote for your institutions. Should each county in the state of Missouri only do its duty, the question will be decided quick and peacefully at the ballot box. If we are defeated, then Missouri and the other Southern states will have shown themselves recreant to their interest, and will deserve their fate."

On the evening of the 28th of November, large numbers crossed the Missouri river at the Rialto ferry above Fort Leavenworth, some went out to Pensanau's on the Kickapoo lands, and many of them came down to Leavenworth and camped near Three Mile creek. They had their wagons, provisions and tents. The next morning the polls were opened at the window of a room on the east side of the Leavenworth House, on the northwest corner of Main and Delaware streets, where John Joerger held down the Missouri Pacific railroad ticket office for years.

There were but four or five houses in town at that time. The hotel was owned and operated by Uncle George Keller and his son-in-law, A. T. Kyle, and they continued to keep it for some

time afterwards. B. H. Twombly, C. M. Burgess and——Smith were the judges of election. The voting went on very quietly all the forenoon, there was but little excitement. Our Missouri friends were doing most of the voting, as in truth the Free State men seemed to take but little interest in the matter; they believed the delegate to Congress would have but little to do with settling the question of slavery. Flenneken they knew but little about, they looked upon him as a mere political adventurer.

Whitfield had promised to do all he could to secure the Delaware settlers in their rights. We knew that from his position as Indian Agent he would at least have influence with the Indian Department at Washington, and through his friends with the President. The Free State men in this district either declined to vote or voted for Flenneken, or as I believe, voted for Whitfield, for some of the reasons I have previously stated. After dinner and until the polls closed, there was a considerable crowd around the polls. Some quarreling, a little fighting, the result of bad whiskey, but no particular disturbance. From my journal of that date I quote: "On Wednesday, the 29th of November, after breakfast (I had stayed at Fort Leavenworth the night before) we rode down to Leavenworth town to attend the election, the first in Kansas. The election is for a delegate to Congress, a very exciting day, 400 present at least, most of them from Missouri, a good deal of dissatisfaction, because Missourians are voting, the question seems to be slavery and free soil. Gen. Whitfield, Pro-Slavery candidate received 222 votes at Leavenworth precinct, Judge Flenneken, free soil, 80, total 302; Whitfield's majority 142. The same excitement prevails all along the Missouri frontier, Whitfield is undoubtedly elected by a very large majority, but a few of the free soilers say they will contest the election. In that event I fear we shall have no delegate in Congress this winter. Some little fighting today, but no one hurt; stayed all night at Leavenworth House kept by Keller & Kyle."

I again quote from my journal for this item: "Tuesday, December 5th, 1854. Cold, but clear, ice running heavy in the Missouri river; steamer Australia expected tomorrow. A Mr. Noble, a very enterprising business man, who lives at Leavenworth, was drowned in the Missouri river near the Platte City landing, just above the Fort, last night about nine o'clock; also another young man with him. They started to take a flat-boat

load of laths from Weston down to Leavenworth. The boat was very heavy laden and probably struck a snag in the bend of the river and sank. They were both drowned before they could be reached, although parties went to their assistance from the Fort as soon as they were heard. Their bodies were not found—sad and sorrowful news. Mr. Noble leaves a wife and child at Leavenworth.''

Under the same date as above, I find this entry: ''News by telegraph from Washington, that Dave Atchison was not in Washington to take his seat as President of the Senate and Lewis Cass was elected President of the United States Senate. Atchison is in Missouri electioneering to be returned to the Senate again this winter, as his term expires in March.'' I trust I will be excused for narrating the following incident, although not occurring at Leavenworth or in the vicinity, it is illustrative of life in the then far West.

A little incident of Indian hair lifting. As the Modocs by their little diversifications for the then past few months had occupied a large space in the public eye and papers, I may be pardoned if I call to mind an incident which has long since faded out of the public memory, save and except a few who might have special interest to remember it. I find this entry in my journal at the time, the news created considerable sensation at Washington:

''Saturday, 9th of December, 1854, at Weston. Tonight met at hotel Mr. Charles A. Kinkade, just in from Salt Lake. He is the man who alone was saved from the attack made on the Salt Lake mail coach by the Sioux Indians, two miles this side of Laramie, on the 13th of November last, in which three men were killed outright, and he (Kinkade) attempted to escape on a mule, was shot with seven arrows and two bullets, and lastly knocked off his mule and left for dead. Recovering before night he dragged himself back five miles to a small post; mules all taken and everything about the coach. He lost $2,500 in gold; mail bags cut open and contents scattered on the ground, but picked up afterwards; he is one of the firm of Livingtsone, Kinkade & Co., Salt Lake traders. He looks as though he had been through a threshing machine and was badly patched up, or had picked up a Missouri snag and thereby knocked a hole in his bow, upset both wheels and stove in his cook house. He says he is improv-

ing rapidly. I would suggest there is a splendid opening for improvement in his outward physical condition at least.''

First Public Sale of Town Lots at Kickapoo.

If I am not entirely mistaken the first and last public sale of town lots at the great city of Kickapoo occurred on Tuesday, the 12th day of December, 1854. I did not attend and my only excuse was that the Leavenworth Town Association had an important meeting at the town on that day and it was indispensably necessary that I should be present. But few, I learned, attended the sale that day and of course but few lots were sold and those to residents or share owners. Kickapoo was the outgrowth of disappointed town speculators who failed to get an original foothold in Leavenworth, and only partially so in Atchison. The truth was, Leavenworth was thought to be a little too strongly tinctured with Free Soilism and Atchison was already supplied with a full measure of the opposite extreme; and it required a fresh outbreak, a special geyser of their own, from which their super-abundant amount of gas, wind, froth, steam and mud might be emitted; for that reason Kickapoo was hatched or incubated from the mental and physical womb of old Mrs. Weston, and which last effort threw the old lady into a decline from which she never rallied.

The Kickapoo Pioneer was only equaled in those days by the Squatter Sovereign at Atchison in its devotion to the Pro-Slavery interests of not only Kansas but Missouri and the entire South. The Pioneer, although ably conducted by Hazzard, its editor and proprietor, while it lived, was compelled ere long to succumb to the inevitable decree of fate, which was bound sooner or later to overtake all newspaper enterprises in one-horse towns in the West. Kickapoo has an interesting and instructive history, at least as a voting precinct, to which I may have occasion to allude in future.

CHAPTER IX.

The Main Rush for Townsites. Jacksonville Specimen Brick. Birth of the First Child in Leavenworth, Etc. Geo. C. Richardson Born Here.

I MAY be pardoned, I trust, if I diverge a little from a straight line to pick up a specimen brick or bat from the debris of paper towns, which lie scattered like flotsom and jetsom along the banks of the mountain streams after a flood, in every county of eastern Kansas, and Leavenworth county was no exception to the general rule. But this particular paper town was just over the line in Jefferson county, but as it had its origin in the brain of Leavenworth promoters, and is such a choice specimen, and so illustrative of the crazy spirit which obtained among the people, to speculate in town lots in those days, I will only allude briefly to this one of the many embryo towns with which Kansas in her early days was cursed; and I will only refer to this, as a sample of the many which sprung up not only in eastern Kansas , as I have said, but all over the territory, to such an extent, that it was at one time seriously contemplated to petition the General Land Office to interfere, so that a portion of the public domain in this section of the country, at least, might be set apart as farming lands, and not all be plastered over with townsites.

There was a perfect mania among the first settlers for townsites. All wanted to get rich in town speculations, and every chap who had squatted upon a decent quarter-section near a creek or a cross road soon turned it into a townsite, and if he could succeed in roping in a half-dozen other fools, who had a little money or were like himself town-crazy, they had a company formed, the town surveyed and laid off into blocks, lots, streets, alleys, public squares, etc., and several hundred lithographic maps struck off and their pockets full of town shares of this great

city in embryo, they were happy. Of houses and improvements in the town, that important part of the necessary and future success and prosperity of the town never entered their heads, or if it did, they only reasoned that the suckers and gudgeons who bought their shares and lots in the future great city, could build the houses and improve the town if they wanted to. These schemes generally lasted about three or six months, sometimes a little longer, depending somewhat upon how successful the proprietors had been in disposing of shares and lots to greenies from other states.

The above is a fair illustration of Jacksonville, one of the finest farming tracts of land in Kansas, which was attempted to be gobbled up by town sharks, as has since been fully proved by old man Evans' farm, about three miles east of Oskaloosa, the county seat of Jefferson county. That magnificent farm was once the townsite of Jacksonville. It was sold by the Government in blocks as laid out on the map and bought in by the Town Company, and by them conveyed to Eli Evans for farming purposes. It was originally squatted upon by Dr. Noble and a Town Company formed in Leavenworth of which the writer of this was a member and trustee, also Gen. L. J. Eastin, editor of the Herald, Dr. Leib, et al; and many a lonely and unpleasant trip during the winter of 1854 and 1855 did that townsite cost us, to say nothing of the money expended. I recall one instance on the afternoon of the 5th of January, late in the day. Dr. Leib and myself left Dr. Noble's cabin, near the townsite, in a one-horse buggy and started to return to Leavenworth. Shortly after we got under way a cold rain storm set in, we lost our way and wandered around over the prairie all night; the night was very dark, the rain turned into sleet, and we came very near freezing. We could not and dare not keep still; the storm was blinding, no road, and we wandered on; about daylight we spied a log cabin on the Neil Burgess claim and stopped and broke in the door and started a fire, as it was a claim cabin and had been occupied that winter. This fortunate circumstance of finding the cabin just at this time I have no doubt saved our lives. After warming up we struck the Fort Riley road and drove directly to Fort Leavenworth. I put up my horse in old Sergeant Flemming's stable, and we went over to Rev. Leander Kerr's then Chaplain at the Fort, of whom I may have occasion to speak of in future, as he was one of the

prominent men of this section, in those days. This was the first time I had met him.

Birth of the First Child in Leavenworth.

I presume it is not generaly known to a majority of the people of this city and v cinity, at least, who was the first child born in Leavenworth; and that she lived and grew to womanhood here, and only died a few years since, as the beautiful, accomplished and beloved wife of James N. Allen, Esq., so long and favorably known as the Rock Island railroad agent of this city, and later as Deputy Warden of the United States federal prison at Fort Leavenworth. She died quite suddenly, leaving behind a kind and affectionate husband, two most amiable daughters and a large circle of kind, admiring friends to mourn their loss. Her name as a young lady was Miss Cora L. , daughter of A. T. Kyle, Esq., now a resident of Lansing in this county (and with the writer the last two surviving members of the original Town Company of thirty members) and grand-daughter of Uncle George Keller, so long and favorably known in this city and state. Miss Cora Leavenworth, partially named after the city of her birth, then but a hamlet of a few houses, now a large and prosperous city of 25,000, was born in the old Leavenworth Hotel, northwest corner of Main and Delaware streets, on the 5th day of December, 1855. The second child born here, if I have the record correct, was also a girl, Miss Clarinda Cass, daughter of the late Thomas Cass, so long and favorably known as the proprietor of the "Uncle Tom's Cabin" on Shawnee, north side below Seventh street. She was born May 13th, 1856.

The first, or at least one of the first male children born in this city was Geo. C. Richardson, Esq., late of the firm of Ryan & Richardson of this city, the largest and most successful apple packers and dealers in the West. Mr. Richardson is a son of the late Jason Richardson, a successful farmer and fruit grower, who lived near Lansing in this county. Geo. C. Richardson was born in a one-story frame house, situated on the west side of Main street, between Delaware and Cherokee streets, near the McCrystal brick house, on the 14th of November, 1856. The house was destroyed by fire in one of those sweeping conflagrations, with which all new western towns are so familiar.

Wm. Bucher, clerk of the city court, was born on the corner of Shawnee and Second streets, January 1, 1858.

My attention has been called by a note I received a few days since, to another item in this connection, to which I cheerfully give place, viz: The parties who were first married in Leavenworth and to whom children were first born, son or daughter. John Grund, so long known in this city as the head of the firm of J. Grund & Co., for many years the largest and most extensive brewers in the entire West, was married to Miss Eliza A. Tennell, January 13th, 1856, by Esquire Alex. Russell. Their first child, boy, John A. Grund, was born January 14th, 1857, being the first son of parents married in Leavenworth.

The first girl born of parents who were married in our city, was Miss Francis Przybylowicz, born May 26th, 1857. Mr. Przybylowicz was for years proprietor of the Continental, now Hotel Imperial, of this city, and father of the faithful and efficient city clerk of this city. Everybody knows Mike Przybylowicz as the genial landlord of the Continental Hotel for years. He was married June 21, 1856, to Miss Johanna Gerstenicker. The last above named parties are still residents of Leavenworth. John Grund and family moved to Colorado some years ago, where he still resides, and I learn is doing well.

CHAPTER X.

Great Fire in Weston, Mo. First Convention in Leavenworth to Nominate Candidates for the Legislature. Organization of the U. S. District Court in Kansas. The Convention Meets Again Pursuant to Call and Makes its Nominations. A Word About Judge R. R. Rees.

IT was very quiet in Leavenworth during the winter of 1854 and 1855. The Missouri river, our main source of intercourse with the outside world, was hermetically sealed, from about the 1st of December to the first of April following, in each year as a general rule. Occasionally an open winter like that of 1857 would bring a steamboat to our landing from St. Louis every month, during the winter, but this was a very rare occurrence.

Once or twice a week, if the roads were comparatively good, a heavy mud wagon with from four to six mules dragging it along would come lumbering into these upper Missouri river towns, bringing a few passengers and the later mails and occasionally a paper mail sack, ten days or two weeks from St. Louis and about thirty days from New York and the East.

There was but little building in town during the winter of 1854 and 1855 owing to the scarcity of lumber and other material and but few houses had been built, or so far completed as to render them comfortable to live or do business in during the cold weather. The writer, like many others who came from Weston and Missouri, had not yet completed our offices and houses in Leavenworth for the reasons above stated, or closed up our business there. I trust my readers will pardon this brief reference to the unfortunate affair which heads this sketch. My only excuse is that a large number of sufferers were at the time property owners in Leavenworth and many of them the next spring and summer of 1855, as soon as houses could be constructed, became per-

manent residents here. I name a few of the more prominent: Geo. Keller, A. T. Kyle, Capt. W. S. Murphy, Capt. Simeon Scruggs, Dr. S. F. Norton, Phillip Rothschild, H. J. Deckelmann, Casper Beechler, Frank Zipp, Elias Ulrich, Fritz Ott, and others, several of whom have raised families here which are among our best citizens. As I stated in the commencement of these sketches in speaking of the first settlement of Leavenworth it was founded by citizens of Weston.

The fire alluded to, I copy from my journal of that date: "Broke out in the rear of Murphy's Ten Pin Alley, about three o'clock on the morning of the 8th of March, 1855. The origin of it was unknown. It immediately spread to a large carpenter's shop, Perry's livery stable on the one side and the U. S. Hotel on the other, and from thence to Main street along that on the north side, burning two blocks and destroying at least $300,000 worth of property. I will not attempt to portray the sad and sorrowful scene. Nine dry goods stores, two clothing stores, one jewelry store, one hotel, two livery stables, one grocery store, two saloons, one ten pin alley and bar, one drug store, two blacksmith shops, one millinery store, one saddle and harness shop, two dwelling houses, one furniture store, one large confectioner's store, one stove and tin shop, two gunsmith shops, one dental office, one photograph gallery, telegraph office, Masonic hall and lodge room, Odd Fellow's hall, Sons of Temperance and Good Templars hall, one banking house and insurance agency. More than half the loss was covered by insurance. My law office, together with a large portion of my library, also desks, tables, chairs, and all of my office furniture were destroyed. Among other things, I believe, I have lost my Masonic apron of pure white lambskin, adorned with all the emblems and working tools of the order as represented on a master mason's chart, and the scarf that was worn by my father in 1820-1826 in Brockport, New York State, many long years ago.

"What a sad, sorrowful sight did the sun rise upon this morning; what a gloom overspread our city. It was with the utmost difficulty that we were able to save the St. George Hotel and the buildings on that, the south side of the street. By almost superhuman efforts we succeeded. P. M.—Great excitement in the streets against certain parties and some of them arrested, charged with making threats to further burn the town, and others with

stealing; a riot threatened. Tonight a meeting was called at the court house by the mayor, to take some steps to protect the city; a strong guard was posted about the town. The few things I have saved I have stored in Belt & Coleman's warehouse. Shall not open a law office here again, as my office will soon be completed in Leavenworth, and I shall remove there permanently very soon as I have claimed my residence there since we first started the town, and I have not voted in Missouri since that time, as I very much question my legal right to claim a legal residence or vote in both Kansas and Missouri. Leavenworth is my home; I have remained there at least one-half of the time since we settled the town in June, 1854."

First Convention in Leavenworth to Nominate Candidates for the Legislature.

Saturday, March 10th, 1855. At Leavenworth a rich time. Convention to nominate candidates to the Council and Lower House. After a long and somewhat animated discussion, the convention adjourned to be called together again by the president or chairman of the meeting when the proclamation of the Governor is received calling an election. Up to this time Reeder had not issued his proclamation, and the boys were in a quandary what to do, they did not want to get left, they wanted to be to the fore, close up to the band wagon. Again, nominations might be made which would not be acceptable to our Missouri friends, and they might bolt them, and that would be exceedingly unfortunate. As I said before, the nominations should first be made in the Blue Lodges of Missouri, and the boys over here who desired to go to the Legislature, must be properly vouched for as being "sound on the goose," and then it would be all right.

All of this of course necessitated the adjournment of the convention. Some of the lads from other slave states than Missouri, who wanted to be candidates demurred to the postponement and even had the temerity to intimate that the people of Kansas had the ability to make their own nominations. Although they were considered here as sound on the slavery question, they were not known to their Missouri neighbors, and had not yet acquired sufficient education as to the mode and manner in which we managed these little election matters out here. They soon, however, took the hint; after a few gentle reminders from the "old stagers,"

that if they did not dry up their "chin music" they might be left out in the cold, they subsided. On the 15th day of March, I was at Platte City, Mo., in attendance upon the District Court, and had a talk with Hon. D. R. Atchison, U. S. senator from that state, with reference to Kansas and the coming election. He assured me a strong effort would be made on the part of the Pro-Slavery party to carry the election in Kansas on the 30th inst.

Organization of the U. S. District Court in Kansas.

I copy from my journal of that date: "Monday, March 19th, 1855. One of the coldest days we have had the past winter. This morning rode my horse over to Leavenworth to attend the opening of the first District Court of Kansas, Judge S. D. Lecompte, as chief justice, presiding. It was only called at present to organize the court and adjourned to the third Monday in April next. At the opening of the court this morning His Honor delivered a very able and interesting address. I like his appearance very much, and no doubt he is a man of legal talent and ability."

I shall endeavor to do to Judge Lecompte a full measure of justice at the proper time, notwithstanding the strong prejudice and bitter feeling that existed and was so often expressed against him by bitter partisans during his occupancy of the federal bench for so many years in this territory, and which judicial record has long since passed into history of that exciting period, as the position which he occupied during the early history of Kansas and since, entitles him to special consideration. He made this city and vicinity his home since his first arrival in the territory, and remained here practicing his profession after he retired from the bench, for a number of years as the head of the legal firm of Lecompte, Mathias & Burns. He then went to live with his son, Eugene, near New York, where he died several years ago.

The Convention Again Meets Pursuant to Call and Makes Its Nominations.

Immediately after the adjournment of the court, as above stated, at one o'clock P. M., the Pro-Slavery party, as per call of the president or chairman of the last meeting, assembled in mass convention and nominated their candidates for Council and Legislature. R. R. Rees, Esq., and General L. J. Eastin, editor of the

Herald, were nominated for Council, and Judge A. D. Payne, Wm. G. Mathias, Esq., and H. D. McMeekin, then of Salt Creek Valley, were nominated for the Legislature. Very good nominations for the time, but the tug of war was to take place on the 30th inst.

A Word About Judge R. R. Rees.

Of the above named gentleman, Judge Rees, or as everybody who knew anyone in this part of the country for many long years, knew "Uncle Dick Rees," as he was familiarly called, I propose to speak more at length at some future time when I come to speak of the early members of the bar, as their names appear on the enrolled list of attorneys in the District Court Clerk's office. On a former occasion I related one or two amusing anecdotes at his expense in connection with Judge Pettit's Court, but I propose to do him at that time ample justice, as he was for a series of years one of the most prominent men in this city and county.

CHAPTER XI.

Sketches of the Members of the First Territorial Legislature of 1855, From this County, Continued. Gen. Lucien J. Eastin. Judge A. D. Payne of the Lower House. Wm. J. Mathias and H. D. McMeekin. Our Missouri Friends Getting Ready to Come to Kansas to Help Us in Our Election, Etc. General Lucien J. Eastin.

THE second gentleman named as the candidate of the Pro-Slavery party for the Council at the first election was at the time the editor and part proprietor of the Herald, the first newspaper published in the territory of Kansas, as I have previously stated. Gen. Eastin remained here in charge of that paper until some time in 1859, I believe. He then returned to Missouri and started a newspaper at Chillicothe, where he remained until he removed to Glasgow, Mo., where he died several years ago. Gen. Eastin was a man of marked ability, of large newspaper experience, and pen persuasion, commonly called pencil pushing; about six feet in height, powerfully built, strongly marked features, iron gray hair, and a clear, bright, piercing, dark gray eye. The writer of this knew him intimately (I might say since 1854 until the day of his death.)

As editor of the Herald he wielded a caustic, and, when aroused, at times a very bitter pen; in short he was one of the ablest writers in the Pro-Slavery party and did what he deemed to be his whole duty to force the institution of slavery upon the people of Kansas, and I may say, he had no superior in his line, as hundreds of articles which were copied from his paper in those days into newspapers both north and south fully attest. He was a man of very strong prejudices and could in those days of excitement scarcely speak a decent, much less a kind word, of a northern man who differed with him, especially one whom he

believed to be tinctured with Free-Soilism. He appeared to loathe the sight of a southern born man, who was a Free State man. He had no respect whatever as he often said, for that kind of a creature. I assure you there was no love lost towards the General on the part of settlers in Kansas of the Free State persuasion, who came from Missouri and Kentucky or other border slave states. Aside from the question of politics and removed from those prejudices of the hour, Gen. Eastin was socially a very pleasant, high-toned gentleman. At some future time I will make one extract from the Herald in 1856, which, I believe, has never been published.

Judge A. D. Payne, First Name Mentioned For the Legislature.

Of this gentleman I have but little to say. How he ever became Judge, or where he got the title, deponent saith not, unless he found it laying around loose somewhere in Missouri, and appropriated it, as they do the title of Colonel in some parts of old Kentucky, and as most of the military and judicial titles of those days were obtained. Uncle Dick Rees says, Payne got his title of Judge from being one of the judges of the Squatter Court, over in Salt Creek Valley, when he, Rees, was chief justice and old Alex Russel and Payne were associate justices. Good thing, he then did not find it laying around loose in Missouri. As was said here in early times, you could not bounce a rock down the road into a crowd that you would not hit a General, Colonel, Major, Captain or Judge. We were all officers in those days, no privates, at least, I never saw one, who ever lived in Missouri or early Kansas. As the returning Californian said, when the vessel left the wharf at San Francisco, bound to Panama in 1850, everybody was shaking hands, and bidding each other good-bye; but as no one seemed to notice him, nor did he see anyone he knew, but just as the last bell tapped and the boat left the wharf, he rushed out, swinging his hat, hallowed "Good-bye, Colonel," and at least twenty-five hats were raised in the crowd—they all involuntarily recognized the salutation.

Judge Payne, or as he was afterwards called, Captain Payne, subsided politically after this election. He had a claim in those days over on Pilot Knob in the valley west of town, but that election ruined him for a farmer, and he had as much as he could

do to help the boys here in town kill Abolitionists and pack away bad whiskey. When drunk, and that was generally his normal condition, he was really a dangerous man, as the writer of this had special occasion to know. On one occasion, had it not been for a little nerve, behind a Colt's navy, as well as the voice of a friend (Tom Shoemaker, of whom I shall speak bye and bye,) who was approaching rather rapidly, I might have felt the length of an Arkansas toothpick which he was brandishing, and threatening dissolution to all Abolitionists, and myself in particular. After this "cruel war" of '56 was over, the Judge or Captain retired to the classic shades of Monticello (not Jefferson's home in Virginia) but a little town down on the Kansas river, in Johnson county, where he lived on hog and hominy and poor whiskey until he collapsed his flue.

Of Col. Wm. G. Mathias, the second member of the Legislature named on the ticket, I will speak more at length when I come to a review of the early members of the bar of this city as shown by the record of attorneys before referred to in the District Court Clerk's office.

Hon. H. D. McMeekin.

This gentleman at the time of his election to the Legislature was a resident of Salt Creek Valley in this county; he was rated as an honest farmer and innkeeper and perhaps a small storekeeper. I had known him since the spring of 1850 as a successful merchant in Weston, Mo., but the firm of D. & T. D. S. McDonald, & Co., of which he was the junior member, had spread themselves out too much in the Indian trade in the far West, and they were obliged to succumb to adverse circumstances, and Mr. Mc. retired poor but honest to Kansas, where he was elected to the first Territorial Legislature with the above gentleman, as I shall presently show. When the Planters' House was opened in this city, he became one of the proprietors with Mr. McCarty of Independence, Mo. The firm was known as McCarty & McMeekin, and they continued to keep it until the hotel was purchased by L. T. & D. B. Smith and Col. Jepp Rice in 1857. Of this well known hostelry I shall speak at length at the proper time, as it was one of the celebrities of the town in early days in more ways than one.

Mr. McMeekin, although a Kentuckian by birth, was never one of the big-headed kind; that his education and instincts made

him a strong Pro-Slavery man is but natural, but I do not now call to mind a single instance in which Free State men were not kindly treated by him at all times; he was naturally a gentleman. From this city he went to Topeka, the capital of the state. Was there a man, woman or child, who visited Topeka during the ten or fifteen years that he kept the Topeka House, afterwards the Tefft House and lastly the McMeekin House, probably the best, or at least one of the very best hotels in the state at the time, who did not know the whole-souled, generous, elegant, old gentleman and his estimable lady, my genial host and hostess of the above hotels? When the Railroad Hotel and eating house was opened at Wamego he took charge of it, I believe, where he died several years ago, highly respected by all who had enjoyed his hospitalities, and their name was legion.

Our Missouri Friends Getting Ready to Come Over and Help Us in Our Election on the 30th of March.

I find the following notes relative to the approaching election which I extract:

"Weston, Saturday, March 24th. Nothing new, except perhaps that the Pro-Slavery party held a meeting today and have given their voters here their orders where to go to vote in Kansas on Friday next."

Again: "Sunday, March 25th. No news of interest. A good many people in town from the counties below in Missouri en route for Kansas."

Again: "Monday, March 26th. Hitched my horse to Newman's buggy and Judge L. D. Bird and myself went over to Leavenworth to attend a called meeting of the Town Company; a good many present; resignation of Major E. A. Ogden received; his place to be filled at the next regular meeting; Association voted him $500 to pay his expenses to Washington City attending to our affairs the past winter."

"As I have before noted we have had a good deal of trouble on account of our townsite being on the Delaware Indian Trust lands. Major Ogden is ordered to San Francisco, California; will leave in a few days. This order was soon after countermanded and Major Ogden was ordered to Fort Riley, Kansas."

I will give one or two further notes from my journal before the day of the election.

"Wednesday, March 28th. No especial news, except the crowds are still pouring into Kansas from Missouri, to vote next Friday."

I will postpone a description of the election at Leavenworth until some future article, as I desire to speak of Major Ogden more at length and of his services at Fort Riley, and his untimely taking off by that terrible scourge, the cholera, at Fort Riley, while in the line of his duty, with his harness on, as he was one of our first Town Company's trustees and an earnest and devoted friend of the Association and its interest at all times.

CHAPTER XII.

Major E. A. Ogden at Fort Riley. A Note From Hon. P. G. Lowe With Reference to the Death of Major Ogden and the Cholera at Fort Riley. Also a Well Merited and Deserving Reference to Mr. Lowe in Connection With Above.

A SHORT time previous to the election of a delegate to Congress, November 29th, 1854, of which I gave a statement in a former sketch, some friends of Maj. E. A. Ogden, then Quartermaster at Fort Leavenworth, and one of the trustees of the Leavenworth Town Company at the time, without his knowledge or consent, were anxious and took active steps to bring him out as a candidate for delegate to Congress. Major Ogden was believed to be a Free State man, as he came from the North. But the most ultra Pro-Slavery men at Fort Leavenworth among whom was Maj. Sacfield Maclin, Paymaster, and other gentlemen there, as well as all of our Town Company and a good many of the settlers on the Trust lands, without regard to party, would also have preferred him, as they knew he was honest and capable in every respect and would guard well their interests; but the Pro-Slavery leaders in Missouri soon disposed of that little question for their protegees in Kansas.

At this election, as we have previously shown, as well as several of the succeeding ones here, the real bona fide residents of Kansas had but little to do with the selection of the delegate to Congress or members of the Legislature; they were not consulted about it, although their interests were paramount to all others. True, the Pro-Slavery men here went through the forms of a nominating convention, but in truth and in fact it was but the echo of the Blue Lodges of the border counties of Missouri uttered a few days previous to that time, and it was necessary for success in

some instances, that this should be so, as Missouri was expected to furnish a sufficient quota of voters to carry the election if required, and she certainly ought to have the poor privilege of naming the candidates. Such being the situation of affairs at this time, the little Yankee Quartermaster, as they had called him, had but a poor show in Missouri Blue Lodges in a race with the tall Tennesseean, formerly from near "Kit Bullard's Mill," high up on Big Sandy, but now the big Arappaho Chief from the headquarters of the Arkansas.

As soon as Maj. Ogden heard of the steps that were being taken to defeat him in Missouri, he at once positively and unequivocally refused to allow his name to be used in that connection. Maj. Ogden was stationed for several years at Fort Leavenworth as Quartermaster, at that time the most important post in the West, as it was the general depot where the supplies for all the posts, camps and forts in the great West from the Missouri river north, south and west to the Pacific ocean were collected and shipped or transported by wagon trains across the plains. He also served for some time as one of the trustees of our Town Company as we have previously shown. The writer of this frequently had occasion to confer with him by letter and otherwise with regard to business affairs. He was afterward transferred to Fort Riley and was on duty there at the time the cholera in 1855 made such sad havoc with all who were employed there.

Many officers left, but Maj. Ogden remained there with his men, of whom he had a great number in his employ, until the fell destroyer cut him down, August 3rd, 1855, I believe. He died at his post of duty, with harness on, beloved and highly respected by all who had the pleasure of his acquaintance, as one of the most efficient officers in the army. A true and noble Christian gentleman in every respect. A sandstone column in the cemetery at Fort Riley properly inscribed, points out his last resting place.

I trust I will be pardoned for introducing the following note from Hon. P. G. Lowe, of this city, at this time, as it refers directly to the cholera at Fort Riley and the death of Major Ogden. The note was called out in response to an article previously written upon the above subject. In that article I had fallen into quite a serious error with regard to the date of the death of Major Ogden and the cholera at Fort Riley. It was a *lapsus pennae,* for had

I reflected a few moments I should have known better myself, or had I consulted my journal a few months in advance; but haste and a sufficient want of care on my part is my only excuse. As I am writing history, I am doubly anxious it shall be correct in every particular. I suggested in one of my former sketches, that should I fall into an error at any time, as all are liable to, I would take it as a special favor if any old settler who knew the facts would correct me.

In the present instance I am under obligation to Hon. P. G. Lowe for his suggestion, as he of all other living men would best know the facts, and especially do I take pleasure in this instance, as Mr. Lowe's note pays a just and merited tribute to one of our most esteemed and scientific physicians and highly respected citizens Of that especial fact to which he refers I was not aware and I haste to make the amende honorable in justice to Dr. Samuel Phillips and the other gentlemen mentioned. I give this note, which was written to me several years ago, correcting an error I then had fallen into, as explained and corrected above, in an article written by me at the time and published in the Commercial, entitled "Reminiscences of Early Kansas."

"Friend ——— :

"I called to see you this morning, but failing to make connections, will write what I wanted to say. In your article (above referred to) are some mistakes, which for the truth of history you will be glad to correct. The cholera prevailed at Fort Riley in 1855, instead of 1856 (as I had it by a *lapsus pennae*) and the death of Major Ogden occurred on the 2nd or 3rd of August that year. The monument erected was of sandstone taken from a quarry at Fort Riley, and was put up gratuitously by the citizens in government employ there, desirous of perpetuating the memory of one of the most gallant men who ever died at his post. The troops had all gone on the plains, leaving a number of officers' families behind. The post was in charge of Major Ogden with about seven hundred (700) citizens brought there by him to complete a lot of buildings, so that there were no other officers except himself and Dr. Simmons, post surgeon, the latter leaving with his family the day Maj. Ogden and fifteen others died. Thus the doctor ran away, while the Chaplain, Rev. Clarkson, stayed and with his wife and niece labored day and night with the sick and dying. Two days later Dr. Whitehorn, a young physician,

who had settled near where Manhattan now stands, came voluntarily, followed a few days later by Dr. Samuel Phillips, from Fort Leavenworth (now of this city) and Lieut. Carr (late Gen. Carr.) The presence and services of these gentlemen was the turning point and the cholera rapidly disappeared.

"Truly yours,

"P. G. Lowe."

The extreme modesty of Mr. Lowe in not speaking or even referring to his own immediate connection with Major Ogden, which continued for years, and the active, but well guarded and prudent course he pursued as a Free State man, without in the least compromising his own position as a faithful and honest employe of the government during all those dark days of Kansas history, justly entitles him to much more than a passing notice, as one of the leading prominent and thrice honored citizens of our city and county; it is of the former service only that I wish to speak at this time, and on this occasion, as it is early events in our history that we are narrating.

In speaking of the distinguished services of Maj. Ogden above referred to, the mind of one who was familiar with the facts in that connection naturally reverts to other gentlemen who were intimately connected with Maj. Ogden, and I should be remiss in my duty as a faithful chronicler of the stirring events and startling scenes that passed vividly before my mind in those days and are engraven upon the tablet of my heart as with a pen of steel and the point of a diamond, did I neglect to mention among the then true friends of freedom and humanity, P. G. Lowe, Esq., so long and well known in this city and county as one of her most energetic and enterprising citizens. Mr. Lowe, at the time I refer to, was one of Maj. Ogden's right hand men, one upon whom he relied in case of great emergency. He was master of transportation at Fort Riley at the time. Although every officer and government employe at the Fort took apparently but little interest in the political affairs of Kansas, they had so many opportunities in the line of their duty, to render very important service at times to the Free State settlers without appearing to do so, or to lay themselves liable to censure from their superiors in rank, who might and in some substances would have been disposed to have done so, had they been aware of the fact. It would be very natural that we should remember them with feelings of great pleasure

and deep gratitude.

Many Free State persons in Kansas in those days, in this vicinity, had reason to thank Mr. Lowe and other government employes, from the bottom of their hearts for the many marked acts of kindness bestowed upon them in a quiet and unobtrusive manner. But the great humanitarian act of his life, to which I especially desire to call attention in this connection, occurred at Fort Riley during the prevalence of that fearful cholera scourge in the summer of 1855, before referred to, at the time Maj. Ogden sacrificed his life. So prominent were his acts of humanity and so zealous and untiring in the discharge of filial duty was Mr. Lowe even after the death of his chief, until the plague had ceased its ravages, that General Geo. W. McLane, who was at Fort Riley at the time, on his return to this city, devoted a column or two of his paper to paying a just and merited tribute to the great kindness and disinterested motives and acts of Mr. Lowe in taking care of the sick and suffering and supplying their wants with everything in his power. The Quartermaster had a large force of men employed there in the erection of government buildings at the time the cholera broke out, as above shown, and the larger proportion of them were sick at one time and many of them died. It was a fearful slaughter as the accounts all showed. Of Maj. Sacfield Maclin, Paymaster, Geo. B. Panton, government farmer at Fort Leavenworth, both original members of the Town Company, and of Col. E. V. Sumner of the cavalry and others I will speak at some future time.

CHAPTER XIII.

THE FIRST CENSUS IN KANSAS. PROCLAMATION FOR AN ELECTION OF MEMBERS TO THE COUNCIL AND HOUSE OF THE TERRITORIAL LEGISLATURE.

IT was made the duty of the Governor, by the organic act, to make an apportionment of the members to be elected to the first Council and Houseof the Territorial Legislature, and prior to that apportionment and election he was directed by the act "to cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the territory to be taken by such persons, and in such mode as the Governor shall designate and appoint." The Council was to consist of thirteen members and the House of twenty-six, and they were to be qualified electors and reside in and be inhabitants of the district or county for which they might be elected, respectively, and in order to make the apportionment correct, of course it was necessary to have the census taken. The Governor had made a trip around the territory, as I have before stated, for the Congressional election, the fall before, and was pretty well posted as to localities and the general number of actual settlers.

During the months of January and February 1855, he caused the census to be taken. It was done without any public announcement of the fact, which of course greatly incensed our Missouri friends, for had they been aware of what was going on, they intended to come over and be enumerated. Of course they were very angry and greatly disappointed and vowed eternal vengeance on Reeder. The census returns were sent in as accurate as they could be, under the circumstances. From the census report made to Governor Reeder it appeared there were 5128 males, 3383 females, 2085 voters and 3,469 minors in the territory. The same report shows 408 of foreign birth, 7,161 natives of the

United States, 151 negroes and 162 slaves; total population 8,601. It is perfectly astonishing how rapidly voters increased in a few weeks in Kansas. As Topsy said, "they must have just growed."

Proclamation for an Election of Members to the Council and House of the Territorial Legislature.

For months prior to the issuing of the proclamation by Governor Reeder for the election of members to the Council and House of the Legislature, in fact, ever since the rebuff given by him to the committee from the pretended convention, held at Leavenworth in November, 1854, the Pro-Slavery men, and especially the Missourians, had been howling at Reeder for being in secret league, as they said, with certain Abolition societies in the East, and charging that he was postponing his proclamation and the election so that the hordes of Abolitionists might flood into the country and carry that election.

It was reported that Reeder was threatened with assassination on account of the delay; of this I know nothing. I only know there was some talk in Missouri of petitioning the President for his removal; others proposed that at the coming election they elect a new Governor and urge the appointment of said Governor upon the President. This last step was without precedent, and they feared the Free State men might follow that precedent so set by them. The Free State men did in after years establish a precedent of their own, by framing a constitution and presenting themselves for admission, and electing state officers and a Legislature under its provisions, as I have previously shown in former "Sketches of Early Kansas Governors." These continued threats and menaces, as I said before, caused Reeder to weaken. On the 8th of March, five days after the census returns were perfected, the Governor issued his proclamation for the election of members to the Council and House of Legislature to take place on the 30th of March, 1855.

The Free State men in different portions of the territory had begun to organize for a contest at the polls, believing that if the Missourians kept away, they had a fair show of success in the territory to elect a majority of the Council and House. There was no disguising the question at issue in this election, it was either slavery or freedom for the new territory as the Legislature would be bound when elected to prepare and pass a code of

laws to govern the people; and if the institution of slavery was not recognized as existing here, and laws provided to maintain and protect it, it would soon die out, and the slaves would be returned to Missouri and other states from whence they came. It was the most important epoch in the history of the territory, and perchance upon the result of that election might hinge the question of slavery in Missouri, in a short time. Illinois was free, Iowa was free, and if a free state was built up on the West, Missouri would be surrounded on three sides at least with a cordon of free states. The people of the border counties of Missouri no longer concealed their project of pouring over into Kansas to vote at the coming election.

The Pro-Slavery journals here, the Herald at Leavenworth, the Squatter Sovereign at Atchison, and Kickapoo Pioneer and others invited and urged them to come over. Stories of the most outrageous character were published and circulated among the people of the border, that hordes of paupers, criminals and Abolitionists were on their way to Kansas under the auspices of the Emigrant Aid societies from the East to control the elections. Thousands were reported to have been landed by every boat at Kansas City and other points, a few days before the election.

The leaders in their speeches proclaimed it, the newspapers repeated it, and the common people believed it. Meetings were held in most of the border counties, money was donated freely to pay the expenses of the campaign. The most inflammatory appeals were made by some of the speakers to arouse the prejudice of the people. Fallacious plans and able legal arguments were made to allay any latent suspicions that might exist in the minds of the more intelligent, that the people of Missouri had no right to go over and vote in Kansas at the coming election, although they had not even the shallow pretense of having been over and driven a stake and called it a claim six months before, and never intended to stay in Kansas only long enough to vote and return as hundreds of them did; as I shall show at Leavenworth and vicinity, without referring to the hundreds that went to other points in the territory. I am endeavoring to confine these sketches to what occurred at Leavenworth and vicinity and persons and things that occupied a prominent position in the public eye during the period of which I may write.

The record is already full upon those other points, and has been repeated over and over again. I am trying to keep out of any heretofore well defined groove or rut, and give some entirely new features from what have been heretofore published, except as I may have done so on some former occasion. Of course, I do not mean new, in the sense that they never occurred; but they have not been fully alluded to or properly eliminated by any writer on early Kansas, that I have perused. Of course I shall or may state many facts that are already quite well known on general principles, although their date and location have not heretofore been definitely fixed, stated or published. It would be impossible to write a page scarcely, of early Kansas general history without tramping upon some ground, that had not been treked over by one or more of the small army of literary Boers who have pursued the fleeing Kansas tale, or hill and dale and at last corraled it, in lines of living lore. In speaking of Leavenworth and vicinity I at least hope to be able to relate some new and interesting facts of our early history, or revive some old ones now dormant in the memory of our oldest citizens, sufficiently interesting, I trust, to repay their perusal by a casual reader at least.

Pro-Slavery Meeting at Platte City to Provide Men and Money to Vote on the 30th of March.

I again quote from my journal:—"Monday, March 5th. A beautiful day; this morning got into Newman's hack and rode over to Platte City to attend the Circuit Court, which commenced its regular March term today. But little doing in Court. After dinner a large and enthusiastic meeting of Pro-Slavery men was held at the Court House. B. F. Stringfellow, my *particular friend,* made a speech, as usual the great 'I am.' He urged as a legal argument, among others, to remove all scruples in the minds of his hearers as to the right of Missourians to go over to Kansas and vote. 'If the very day the person who goes over there is not fixed for returning, or if he is uncertain, he is in the strictest sense of the law a 'resident' and an 'inhabitant'." By the terms of the Kansas organic act every man in the territory on the day of election is a legal voter, if he had not fixed a day for his return to some other home. Every man in Missouri has a right to go to Kansas for such purposes as he pleases. The presence of a

voter there is all the proof or evidence he can be required to give. If he is present there and desires to offer his vote, it is necessary for those who are opposed to his voting to show he has no right to vote under the provisions of the organic act, which cannot be done."

He urged the people there in very strong terms and in an excited and vehement manner to "go over and take possession of Kansas and hold it by force if needs be; to go with guns, pistols and knives and to vote and stay there, until people could come from the slave states; and then leave and come home again. The great object is to secure the election there this spring if possible."

Rev. Leander Kerr, Chaplain at Fort Leavenworth, who made a very happy and able speech, among other things said: "Go there to Kansas like men, as patriots, as Christians, (this is a new phase of Christianity) and do your whole duty to yourselves, your country and your God." At the close of his speech he read a poetical satire upon Abolitionism and all other isms. It was in truth a poem of considerable merit and was published. (I have a copy somewhere in the archives.) The object of the meeting was to raise money to send men to Kansas. I was obliged to return to Weston before the meeting closed, but learned that Gen. Dave Atchison also made a short speech and among other things assured them he should go to Kansas and vote, which he did, as the records show), and that it was their duty to do so also. He said, "we must and will make Kansas a slave state, peaceably if we can, and at the muzzle of the revolver if we must."

CHAPTER XIV.

Gen. John Calhoun First Surveyor General of Kansas and Nebraska. Election of Members to the First Territorial Council and Legislature.

I MET this distinguished gentleman whose name heads this sketch for the first time on Thursday, the 29th of March, 1855, at Weston, Mo., and brought him down to Fort Leavenworth, where he first opened his office as Surveyor General of Kansas and Nebraska territories. He also got some shares out of the Town Company by promising to put his office at Leavenworth permanently, but went back on us as Reeder did, after he got the shares and could get other town interests in Nebraska City, Wyandotte and Lecompton to each of which places he moved his office, apparently on wheels, in turn, as circumstances and an eye to the main chance (as the boys say) seemed to be most profitable.

True, as a sort of mild sedative to our Town Company's feelings he first located his office for a short time in 1855 on Delaware street, in the old one-story frame building, between Second and Third streets, next door east of Endress' stove and tin shop. This old building has quite a local history, as the first Surveyor General's office, a real estate office, H. J. Adams City Bank, dwelling house, law office, tailor shop, etc.

I will also, at the proper time, speak of a little personal experience the writer had with the General at Kansas City, Mo., and with his office at Wyandotte in the fall of 1856, and also of his management and the skill displayed by him in connection with the Lecompton Constitutional Convention, of which he was president, and the manipulating of the returns of the vote on that instrument, known as the candle box conspiracy. It is perhaps not generally known that the late Judge Oliver Diefendorf and Major Fred Hawn, both so well known in this city, were his

brothers-in-law, and clerks in the Surveyor General's office for a number of years. Of these latter gentlemen, I shall take great pleasure at the proper time in speaking of these two prominent men of our city, as I knew them intimately, socially and fraternally from 1850 in Weston to the time of their death, a few years since, in this city.

Election of Members to the First Territorial Council and Legislature.

This, the most important election held in the territory of Kansas in early times, took place Friday, the 30th of March, 1855. I quote a few words from my journal of that date: "Quite pleasant this morning. A large crowd went aboard the steamer, New Lucy at Weston, and rode down to Leavenworth to attend the election. A great crowd present, at least 1500 or 2000 persons, most of them from Missouri. The whole affair passed off quietly. No fighting or quarreling, all voted that pleased, no objections, no challenging or swearing in of votes. The Pro-Slavery party of course were victorious by at least 800 majority; nearly a thousand votes polled. The same result at Atchison, Kickapoo and other points, but not as large a vote polled as at Leavenworth by any means. The boat returned to Weston carrying back the crowd from Missouri about five o'clock P. M. Fare down and back, dinner included, $2.60."

Thus ended this great election farce, only equaled by the county seat elections in this county and the territorial election, both in 1857, of which I shall speak at the proper time. As was shown by the report of the investigating committee of Congress, sent out here in the summer of 1856, the Pro-Slavery men from Missouri came over by thousands and took possession of the polls at every election precinct in the territory of Kansas, except one, and carried the election as they desired, by electing their own men, in some instances displacing those previously nominated and electing others; thus were the rights of the bona fide settlers ignored and trampled in the dust, and all upon the flimsy excuse that the Emigrant Aid societies of the North were sending thousands of paupers to control the election here, when it was well known to the leaders that it was a physical impossibility for any great number to have reached here at that early day.

As the spring, up to that time, had been very cold and back-

ward and the steamboats had just commenced running up the Missouri river a few days before, not to exceed two hundred persons had as yet reached Kansas from east of St. Louis that we knew or had heard of. This paltry excuse was in fact but little better than none at all. The Free State men generally did not vote at that election, here in Leavenworth at least, and no newly arrived eastern emigrants were here. The judges of the election, as named by Gov. Reeder, were I believe, Lewis N. Rees, David Brown and Matt France. Mr. Brown resigned the morning of the election, and George B. Panton, then government farmer at Fort Leavenworth, was elected by the crowd.

France was Free State and Rees and Panton were Pro-Slavery. The whole number of votes in this district, according to the census returns, made a few weeks before by order of Gov ernor Reeder, was 385; and according to a very carefully prepared list of the voters in the district made by Auley McAuley and Judge Payne, one of the candidates, both strong Pro-Slavery men, a few days previous to the election, there were 305 votes in the district, including those who had claims but did not live on them. Whole number of votes cast at the election 964. By a comparison of the poll books with the census returns above stated, only 106 of them voted, a number of persons not on the list had doubtless acquired a residence here. I presume it would be safe to say that of the 964 who voted, 150 were actual residents and had a legal right to vote, but a good many Free State men declined to vote on that day.

The polls were to have been held at the Leavenworth Hotel, but Mr. Keller made some objection to it, and they were removed by the judges down to Ben Woods' saddlery shop on Cherokee street near Third street. Ropes were stretched from the window, where the votes were taken, out into the street, and all who desired to vote did so by pass ng between the ropes, no challenges and no questions asked. The badge of recognition for those who belonged to the "Law and Order Party," as they called themselves, was a bunch of hemp in the button hole of the coat, or on the hat, or around the waist. This badge indicated that the wearer was "sound on the goose."

Everybody voted who applied to vote, except some Delaware Indians. The Wyandotte Indians voted, about thirty of them. The Free State candidates for Council were B. H. Twom-

bly of Leavenworth county and A. J. Whitney of Jefferson county. The candidates for the Legislature were Felix G. Braden, Samuel France and F. Brown; they all withdrew, I believe, before the election, but were voted for, receiving about sixty votes each. One of the judges of the election, Matt France, refused to sign the returns, after the votes were counted, unless the words "lawful resident voters" were stricken out, which, after considerable discussion was done, and the judges all signed. Rees and Panton, two of the judges, refused to take the oath prescribed by the Governor before they entered upon their duties. They took another and different oath. France took the oath prescribed by the Governor, and therefore declined to sign the returns unless the erasures were made as above.

It will be borne in mind that although the Missourians, as has been amply shown, voted in large numbers at every precinct in the territory, except one, at Pawnee, near Fort Riley, I believe the Free State men were so shocked, surprised and confounded, and in many instances their lives threatened, and the time was so short, four days after the election, in fact they were not aware that a notice was required, that protests were only sent to the Governor from the 1st, 2nd, 3rd, 4th, 7th, 11th and 16th election precincts; and the Governor only obtained notice from above named districts that any force or fraud had been used. In those districts there were as he construed it, material defects in the returns of the election, but without deciding upon his power to set aside elections for force and fraud, they were set aside for other reasons. I will only mention that of the 16th Representative District, Leavenworth county, as I propose to confine myself to this city and vicinity, as much as possible. The point here was, because the words "by lawful residents" were stricken from the returns.

A new election was ordered by the Governor in the above named districts for the 22nd of May, 1855. Of this election I shall speak, as there were some very important events occurred here before that time. I shall refer to them in their order as I have a note of them.

CHAPTER XV.

STATEMENT OF COL. JOHN SCOTT OF ST. JOSEPH. REJOICING OVER THE RESULT OF THE ELECTION. DESTRUCTION OF THE PARKVILLE LUMINARY.

BEFORE proceeding further I should perhaps give more fully, some of the reasons and motives in addition to what I have already given, which actuated our neighbors in Missouri in coming over to attempt to control the elections, not only in the instance of March 30th, 1855, but in that of other elections prior and since except the county seat question in this county; and I cannot probably make it more explicit than by quoting the language of one who knew the facts intimately, and what was said by him applies with equal force to other persons and localities.

I refer to a written statement made by Col. John Scott in 1856. At that time he was one of the most prominent, leading, talented and able lawyers in Western Missouri. He was for a number of years a resident of St. Joseph and city attorney there. He says, in speaking of his coming over to Doniphan county, Kansas, to vote, "It is my intention and the intention of a great many other Missourians, now resident in Missouri whenever the slavery issue is to be determined upon by the people of this (Kansas) territory in the adoption of the state Constitution, to remove to this territory in time to acquire the right to become legal voters on that question. The leading purpose of our intended removal to the territory is to determine the domestic institutions of this territory when it comes to be a state, and we would not come but for that purpose and would never think of coming here but for that purpose. I believe there are a great many in Missouri who are so situated."

How well our Missouri neighbors kept their pledge to assist us in our elections we shall see as we proceed. The result of the

election was hailed as a great triumph, not only by the Pro-Slavery men in Kansas, but in Missouri, especially along the border.

Rejoicing Over the Result of the Election.

The newspapers were in ecstacies over the news as they received it from the different precincts in the territory. The Platte Argus, published at Weston, among other things, said "it must be admitted that they (the Missourians) have conquered Kansas Our advice is, let them hold it or die in the attempt." The Squatter Sovereign of Atchison also blew its bugle thuswise: "Out with the gun! We have met the enemy and they are ours. We have achieved a glorious victory." Meetings were held at various towns along the border and congratulatory speeches were made on the great victory over the Abolitionists as they termed it.

The burden of their song was "not to let the good work began, stop, but to press forward and not cease their labors till every Abolitionist and Free State man was exterminated from the territory." One speaker more violent than the rest, proposed the organization of vigilance committees throughout the territory under Judge Lynch's code ostensibly for the protection of slavery but in fact and in truth for the purpose of driving Free State men out of Kansas, and especially out of Leavenworth, as I shall have occasion to show ere long.

Destruction of the Parkville Luminary.

It will not be considered out of place, I trust, if, in this connection, I allude to the destruction of the Parkville Luminary printing office. As showing the mob spirit which prevailed along the border in Missouri at the time, I quote from my journal at Weston, Mo:

"Saturday, April 14th, 1855. Rumor here tonight that about 500 citizens of this (Platte) county and Clay county assembled at Parkville and took the Luminary press and all the type and material belonging to the office and threw them into the Missouri river, and then gave Col. Geo. W. Park, the editor and proprietor, and Mr. Patterson, assistant editor, notice to quit the town and county in three weeks, and if found here at the expiration of that t me they would make them follow the press. It was caused, we learned, by what they termed the Abolition course of that paper of late on the Kansas question."

Col. Park, the proprietor and partial editor, was absent from town at the time the press was destroyed and Mr. Patterson was only saved from a coat of tar and feathers by the appeals of his wife. Col. Park was one of the most enterprising citizens in the county; he had laid out and given his name to the town. He subsequently organized the Parkville and Grand River Railroad Co., the road was nearly graded to the intersection with the Hannibal and St. Joseph railroad, and is now the Kansas City and Cameron railroad, a part of the great Burlington system of railroads in Missouri and the West. The town was progressing rapidly; several large brick and stone warehouses and stores were constructed; a fine stone hotel and other evidences of thrift, prosperity and enterprise to give additional impetus to the town.

Col. Park had established and was successfully running a first-class newspaper, but unfortunately for him and his paper he belonged to the Benton school of politics, as opposed to Atchison and his theories and those of his friends. General Atchison could not brook the insult as he termed it, of a newspaper bearding him in his own preserves, at least in Platte county where he lived most of the time when not in Washington. When at home in Western Missouri he spent most of his time and made his headquarters at old Elisha Green's Hotel in Platte City, instead of on his plantation in Clinton county, Mo. He was an old bachelor. He had a strong liking for the mountain dew of old Bourbon county, Kentucky, and the fellowship of jolly, good fellows and boon companions that delighted to gather around the festal board at old Lish Green's and spin yarns of other days and imbibe in generous bowls of the elixir of life, as only thoroughbred Kentuckians can.

After the election above referred to, on the 30th of March, the Luminary in rather mild terms condemned the course of the people of Missouri in coming over to Kansas to vote. This so exasperated Atchison's followers, (I will not say he sanctioned it) that they resolved to give the press the benefit of an immersion in the murky waters of the "Big Muddy." They were not long in putting their threats in execution. After the baptismal ceremonies were performed they called a meeting and passed resolulutions (everybody in Kansas and Missouri were pregnant with resolutions in those days nor have they entirely recovered from that complaint even in Kansas up to the present hour, we still

all want to resolute on the slightest occasion,) requesting the two editors above named to leave the county under the most severe penalties in case of refusal. They both left, but Col. Park returned some months after, when the excitement had subsided.

He afterwards founded Park College there, by his generosity, giving it liberal donations during his life and generous endowments by will at the time of his death. It is one of the leading colleges in Missouri and the West at the present time. These broad guaged and liberal Missourians at the time they drove Col. Park and Mr. Patterson out of town, also forbade all ministers of the Northern Methodist churches from preaching in that vicinity. A few days after, meetings were held at Liberty, Clay county, and at Weston, resolutions were passed endorsing the action of their friends at Parkville, and also extending the resolutions with regard to the Northern Methodist preachers, and all ministers from free states at least, to those who did not openly espouse the cause of slavery. Among their resolutions was one in substance, that every person who should in any manner speak or publish sentiments or doctrines calculated to bring the institution of slavery into reproach should be expelled from the country. Several ministers were suddenly taken with a leaving from that section of the moral vineyard. So anxious were these Law and Order disciples to prevent the contamination of Christianity, that they drove out the poor preachers from their flocks and meager livings into premature exile.

CHAPTER XVI.

Death of Malcolm Clark. One of the Early Incidents of Leavenworth.

BEFORE giving the particulars of this unfortunate affair, it may be necessary to a correct understanding of the immediate cause of the homicide of which I am about to speak, that I should briefly allude to the reasons for the holding of that squatter meeting in Leavenworth, at which the death of Clark occurred. It will be borne in mind that the first squatter meeting in Kansas as I have previously stated, was held in Salt Creek Valley, at Riveley's store, in this county, at which the far famed "Salt Creek Valley Resolutions" as they were known, were adopted, viz: June 10th, 1854, and on the 8th of July, 1854, the "Stockbridge Resolutions," as they were called, were adopted, reiterating the previous resolutions and extending the time of filing on the claims and changing the place of such filing or registering to Fort Leavenworth; and also recognizing the title of an assignee and other minor details.

On the 29th of September, 1854, a resolution was adopted at a Leavenworth meeting, endorsing the resolutions of the Salt Creek Valley and Stockbridge meetings. Afterwards, owing to the fact that many claims were pretended to be held on the Delaware Trust lands by non-residents, a squatter meeting was held at Leavenworth on the 4th of November, 1854, requiring all persons who had claims on the Delaware lands to occupy them in person or by tenant, and at the same time a Kansas Delaware Squatter Association was organized with a complete constitution. On the 2nd of December, 1854, a committee previously appointed, reported a preamble and resolutions endorsing all of the foregoing, and providing a court for the trial of all contested cases between squatters.

The officers of that court were R. R. Rees, Chief Justice; A. Payne, Associate Justice, Stranger District; Alex Russell, Associate Justice, Salt Creek District; Miles Shannon, Marshal; Green D. Todd, Deputy Marshal; S. D. Pitcher, Chief Clerk of Court and Recorder of Claims. I have all the different resolutions, constitutions, etc., etc., but they would occupy too much space in a sketch of this kind, and I refrain from troubling my readers with them.

Malcolm Clark was the first marshal of the squatter meeting and remained such officer for some time; he was a very energetic and positive man, and being one of the original Town Company took great interest in its success. The meeting held at Leavenworth on the 30th of April, 1855, was a squatter meeting under the provisions of the constitution above referred to; and also in pursuance of previous resolutions. Parties were crowding into the territory and claims were being taken up in every direction. Complaints were made that certain parties were allowed to hold claims here and were not living on them, contrary to the resolutions of the association and in some instances with little or no improvements upon their claims. Of course the new-comers were anxious to obtain claims, and they complained that the Squatter Associations were holding and protecting claims for non-residents; of course most of those non-residents were Missourians. A large proportion of the late arrivals were Free State men who were anxious to secure claims, as yet however, this question had not assumed a political shape, as we Delaware squatters were all in the same boat together, trespassers upon the Indian lands and we could not afford to quarrel among ourselves, although there was great danger of an open rupture in a short time unless every claim had a bona fide occupant residing upon it.

This 30th of April meeting was called for the express purpose of taking some positive action in the premises. The elements of which it was composed were not as homogenious as might have been desired under the circumstances. The difficulty however, arose from the complaints of some of the new-comers, who of course had no claims, and who in some instances simply desired to speculate in claims by jumping or otherwise securing them as they could find an oppuortunity; and the fact that several parties, who resided in the town and owned shares or lots which they had bought, also held an outside claim. This spirit of fault-

finding was also encouraged by certain parties who resided in town, but could not obtain an outside claim without buying the same from the then claimant. The same spirit was further encouraged by designing outsiders, who were opposed to Leavenworth's success or either had no claims in the territory, or one on the Kickapoo lands, which was pre-emptable, and they hoped by getting up a row in Leavenworth among the squatters, that in the general melee and break up, a small fish might fall into their basket by some hocus pocus operation.

This was the situation of affairs in the town and vicinity, at the time the squatter meeting of the 30th assembled. An imprudent word or what might be construed into outside interference, by anyone, was very liable to inflame the passions of the more sensitive, and set them off, like an unlucky spark in a powder magazine.

The meeting was held under the "Old Elm Tree," at the corner of Cherokee and the Levee. Several speeches had been made and resolutions were being discussed, the excitement was pretty high. Mr. Clark, who as I before stated, was a member of the Town Association, a little passionate when his Scotch blood was aroused, was taking rather an active part in the meeting, as one deeply interested. Mr. McCrea, who was then residing in the country, lately an inmate of the Soldiers' Home, as many of our readers are aware, was reported to have interrupted the speaker once or twice, and it was suggested to Clark that McCrea was not a "Delaware Squatter," as his c aim was on the cut off, back of Fort Leavenworth reserve, near the Salt Creek bridge (not far from where the D. W. Powers brick house now stands) and that he (McCrea) was not interested in this matter. Clark went to him and stated what he understood about his claim, and asked him to not again interfere in the meeting, explaining that it was a Delaware squatter meeting; Clark returned and stated that McCrea had not understood it before, but would not again interrupt or say anything. Shortly after the chairman was putting to a vote a resolution before the meeting, and as it was difficult to ascertain the result by sound, a division was called for and it was upon this vote that McCrea took part and when the chair announced that the resolution was carried, he (McCrea) pronounced the division a fraud.

To this Clark took exception, and the lie passed between him and McCrea. Clark advanced upon McCrea and stooped down to pick up a piece of board or scantling, and raised it to strike McCrea, who rushed towards Clark and the blow missed him; he then retreated and Clark pursued him and McCrea turned and shot him. He spoke but a word or two and died in five minutes. McCrea ran and jumped down the bank at the edge of the river. Several shots were fired at him while standing there without apparent effect. The excitement was intense, a rope was soon produced and he would doubtless have been hung by the excited crowd, had it not been for the cool bravery of Samuel D. Pitcher, an old citizen of the territory, at Fort Leavenworth and afterwards here, who suddenly appeared, mounted on horseback and another man with him, both heavily armed and ordered the driver of a government hack or ambulance, I think, to drive into the crowd and then approaching McCrea who was seated on a block near the tree, told him to get into the hack, which he did speedily with the assistance of some friends, and then ordered the driver to push for Fort Leavenworth as rapidly as possible while he and the man with him with drawn revolvers followed, their movements being so rapid that the crowd were completely thrown off their guard.

McCrea was put in the guard house at the Fort where he remained for several months, and afterwards he escaped and remained away from the territory until after the rebellion, when he returned and he was lately at the Soldiers' Home, as above stated. Although an indictment was afterwards found against him, there was never any prosecution under it. The next day the body of Malcolm Clark was taken to Weston near where he had lived for a number of years previous, and buried in the cemetery, above the town, in the city burying ground. One of the largest processions turned out that I have ever seen in the West, as Mr. Clark was very highly respected and beloved by his old friends and neighbors.

I quote a word from my journal: "Weston, Tuesday, May 1st, 1855, P. M. A large company came over from Leavenworth with the body of Mr. Clark, and he was buried in our cemetery. Tonight a public meeting of our citizens is being held expressive of the sense of the people upon the death of Mr. Clark. Some strong measures were proposed to raise a crowd and go over and

take McCrea out of the guard house and hang him. The sober second thought prevailed and it was abandoned."

CHAPTER XVII.

THE TARRING AND FEATHERING OF WILLIAM PHILLIPS. ANOTHER OF THOSE MOST UNFORTUNATE AND DISGRACEFUL INCIDENTS WITH WHICH OUR TOWN WAS AFFLICTED IN EARLY DAYS, FOLLOWING CLOSE ON THE HEELS OF THE HOMICIDE OF MALCOLM CLARK, AND SOUGHT TO BE JUSTIFIED BY ITS AIDERS AND ABETTORS ON ACCOUNT OF THAT UNJUSTIFIABLE AND OUTRAGEOUS ACT.

THIS was one of the most outrageous and disgraceful affairs that ever occurred in any civilized community. Wm. Phillips was a young lawyer of fair legal abilities, a quiet, inoffensive citizen, very highly respected by all who knew him. He was residing at the time the unfortunate affair alluded to occurred, with his wife and one child, I believe, in a small frame house on Delaware street, south side, near Third street, two or three lots west of the corner where Geo. Eddy's drug store now stands. He was known and recognized as an active Free Statesman.

On the day of the meeting at which Clark was killed, as above stated, Phillips had taken some little part and was charged with having handed McCrea the pistol with which the homicide was committed. Of this there was no positive proof whatever, such a statement being doubtless made before the coroner, at the inquest held upon the body of Mr. Clark, that evening shortly after the homicide took place, and the making of such an unwarranted statement at such a time only served to add fuel to the flame which was then burning at full height.

I should add this fact, which occurred a few days previous and which had first inflamed the minds of certain Pro-Slavery men towards Phillips. He had been very active in getting up the protest to Gov. Reeder, signed by himself and fourteen others, against the election of certain persons to the Council and Legisla-

ture on the 30th of March; he also made the affidavit accompanying it, charging force, fraud, illegal voting and that persons were deterred from voting, etc. A new election had been ordered by Gov. Reeder in this district, to take place in May. Willful perjury had been charged against Phillips by certain parties and this was the real secret of their animosity towards him. The charge of aiding and advising McCrea was an excuse.

A public meeting was held in Leavenworth that night, the 30th of April, 1855, at which the following resolutions were passed. I clip them from the Kansas Weekly Herald of the 4th of May, 1855:

"PUBLIC MEETING.

"At a meeting of the citizens of Leavenworth and vicinity held on the evening of the 30th of April, for the purpose of taking some action in regard to one, William Phillips, who is reported to be accessory to the murder of Malcolm Clark, D. J. Johnson was called to the chair, and Joseph L. McAleer chosen secretary. On motion the following preamble and resolutions were unanimously adopted:

"WHEREAS, by facts elicited at the coroner's inquest, held over the body of Malcolm Clark, as well as from other circumstances that have come to our knowledge, it appears that William Phillips of Leavenworth, was an accessory to the murder of one of our most respected citizens, and whereas the conduct of said Phillips, heretofore has fully demonstrated his unworthiness as a citizen or gentleman, therefore,

"RESOLVED, that in accordance with the expressed desire of the indignation meeting tonight, William Phillips be ordered to leave this territory by two o'clock Thursday evening next, and that a committee of ten be appointed to notify him instanter of the requisition of this meeting.

"RESOLVED, That the notice be written and signed by the committee who shall proceed immediately after the adjournment to the residence of William Phillips and deliver it to himself in person.

"RESOLVED, That the course to be pursued in regard to the other Abolitionists, and to the other matters of importance, be left for the decision of the meeting of the citizens to be held next Thursday.

"Resolved, That the proceedings of this meeting be signed by the officers and other members of the committee.

"The chairman appointed the following named gentlemen to wait upon Mr. Phillips: Jarrett Todd, John E. Posey, N. B. Brooks, William Berry, Thos. C. Hughes, H. Rives Pollard, Joseph H. McAleer, John H. McBride, James M. Lysle and A. Payne. On motion the meeting adjourned to meet again Thursday, May 3rd.

"D. J. JOHNSON, Chairman."

Signed by Jarrett Todd and other members of the committee.

The following is a duplicate of the notice served on William Phillips:

"Leavenworth City, April 30, 1855.

"To William Phillips:

"Sir:—

"At a meeting of the citizens of Leavenworth and vicinity, we the undersigned were appointed a committee to inform you that they have unanimously determined that you must leave this territory by two o'clock of Thursday next. Take due notice thereof and act accordingly. Jarrett Todd, John E. Posey, N. B. Brooks, William E. Berry, H. Rives Pollard, Jno. H. McBride, James M. Lysle, A. Payne, Thomas C. Hughes, William Blair.''

On Thursday, the 3rd of May, the day to which the foregoing meeting of the 30th of April was adjourned in the morning, Phillips left town, at least so his brother told some of the members of the foregoing committee who called at the house to ascertain the fact. The committee reported to the meeting that he had left town. That adjourned "Public Indignation Meeting," as it was called, passed some very pointed and stringent resolutions, which appeared upon their face to mean business.

A vigilance committee of thirty was appointed and speeches made. All the names are given, but owing to their length, I will defer them for the present at least. After the meeting adjourned, Phillips appeared on the street near the Herald office, and was immediately arrested by a number of the vigilance committee above referred to, and taken into the Herald office, where after repeated threats of tarring and feathering, and other things, he was allowed to depart upon condition, as they said, that he had promised he would leave the territory as soon as he could settle up his business.

Time passed on and as Phillips showed no signs of leaving the town, on the morning of the 17th of May, a party composed of about a dozen men, as I afterwards learned, went where he was, all of them armed, and arrested him without a moment's warning and hurried him down to the river before it was known in the town, except by two or three friends. They put him on a flat boat and immediately crossed the Missouri river with him. Shortly after twelve o'clock, they appeared in Weston with their prisoner.

I copy from my journal of that date, as I was there on that day: "Thursday, 17th of May, 1855. The most disgraceful outrage took place here this P. M. that I ever witnessed. About a dozen men from Leavenworth took a man by the name of Phillips, a lawyer there, whom they had before ordered to leave town on account of his being an Abolitionist, as they charged, but he had returned again. They took him today and brought him across the river, just below Weston, and in a warehouse stripped him to the waist, tarred and feathered him and brought him up into town, mounted him on a rail and had a number of niggers and boys to drum on old pans and ring bells around. After marching through town they put him on a block opposite the St. George Hotel, and Dr. Ransom's old darkey, Joe, auctioned him off and bid him in at one cent. They then took him down from the block, and after marching him about town a little longer, our people beginning to show signs and mutterings of disapproval and disgust of the proceedings, they soon started for home again with him.

"He still stuck to his integrity to the last. Thank God it was mostly drunken rowdies from Leavenworth. I recognized one or two men whom I was surprised to see in the crowd, tugging at the rail on their shoulders, on which was seated Phillips, the victim of this vile outrage. The citizens of Weston took no part in it, and most of them condemned it in the strongest terms. I looked for a terrible row. Had it been almost anyone else, or even some one who was known to them, there would be serious trouble. The crowd did well to leave town with their subject on short notice. The Weston people say, if they have men in Kansas whom they wish to tar and feather, let them do it there, but not bring them over here to disgrace our town with such an outrageous exhibition, we want no displays or exhibitions of that kind again, and woe be to those who attempt it."

The next day and the day following, Saturday, there was a good deal of excitement about the matter. The mayor called a public meeting at night, and a committee was appointed to draft resolutions expressive of the sense of the people of Weston on account of the outrage perpetrated in the streets of their city. The committee reported on the following Monday night some very strong resolutions, denunciatory of the whole proceedings, and of the parties who were engaged in it. I was over at Leavenworth and only saw the resolutions as published in the Weston Reporter.

Among the crowd who brought Phillips over to Weston and took an active and leading part in the outrage upon him, I saw the following whom I knew personally, Thos. C. Hughes and Eli Moore, both of whom the writer had occasion to remember in after days. John E. Posey, Deputy U. S. Court Clerk; H. Rives Pollard, Assistant Editor, and W. H. Adams, then one of the proprietors and the founder of the Herald; J. L. McAleer, engineer and surveyor; Jas. M. Lyle, attorney and partner of D. J. Johnson; Wm. L. Blair, clerk in store; D. Scott Boyle, clerk of U. S Court; Bennett Burnham, then a young gentleman of leisure and some four or five others.

CHAPTER XVIII.

Honorable Thomas C. Shoemaker, and Other Items.

THIS gentleman came to Kansas in April or May, I believe, of 1855, an appointee of President Pierce, a receiver of public monies of the territory. I met him at Leavenworth a few days after his arrival in the territory, and on the 14th of May, 1855, I went on his bond with others as such receiver for $5,000. At the time of his arrival here and for some months after, he was one of the strongest administration Democrats in the territory; a great friend and admirer of Hon. Stephen A. Douglas, to whom he owed his appointment, as did John Calhoun, Surveyor General of the territories of Kansas and Nebraska and other presidential appointees from Illinois. Mr. Shoemaker was a lawyer by profession. Being quite a young man when he came to Kansas, he practiced law, only a short time.

Like many other administration Democrats who came to Kansas in the early days, he was very loath to believe the stories which were published in the Eastern papers relative to the interference by the people of Missouri in the elections in Kansas, and the indignities to which the Free State men were almost daily subjected, especially in Leavenworth and vicinity, for daring to entertain Free State opinions, much more to express themselves in favor of making Kansas a free state. But these "Old National Democrats," as they delighted to call themselves when they first reached this land of promise, and were met by these new style Democrats, these "Law and Order" chieftans, and their politics, and the state from whence they came demanded, they proudly answered, "We are old line National Democrats; we came from Illinois, Indiana, Ohio, Pennsylvania," or whichever state it might be. To which answer these noble sons of "Law and Order" replied, "That wont do; we have but two parties here, either Pro-Slavery Law and Order men or Free State Abolition-

ists; and you make your choice and that d—d soon, or go down the river back to where you came from."

That kind of talk soon broke the boys of sucking National Democratic eggs—they wanted another diet. It was quite different treatment from what they had expected, this Shibboleth would not pass them at the Missouri river, vide, here in Leavenworth, Judge M. W. Delahay, M. J. Parrot, Thos. C. Shoemaker, Dr Levi Houston (of which I shall speak hereafter among the others as one of our leading citizens), Mr. Pierce (Shoemaker's father-in-law,) Dr. James Davis, Cyrus F. Currier, John and Henry McKee, and many others, and back in the territory, Gen. James H. Lane, Gov. W. Y. Roberts, Col. J. F. Frost, Col. C. K. Halladay, Hon. C. W. Babcock, M. F. Conway, Col. Tom Thornton, Hon. Joel K. Gooden, et al., too numerous to mention. Some of us were old line Whigs when we came here, and we expected just what we received, as we had no political axes to sharpen on the Democratic grindstone, vide, Gov. Robinson, Judge G. W. Smith, P. C. Schuyler, Judge Morris Hunt, Col. Lyman Allen, Gen. G. Deitzler, Col. O. F. Lenard, John Speer, Robt. Morrow, Judge Wakefield, and many others, in the back part of the territory.

In Leavenworth Judge S. N. Latta, Uncle George Keller, Adam and George Fisher, Henry J. Adams, Scott J. Anthony, Harry Fields, M. M. Jewett, J. L. Byers, D. Dodge, Gen. Geo. W. McLane, and a score of others tried and true. Tom Shoemaker, as everybody called him, was one of the bravest, boldest, outspoken men I ever met, true as steel, bold as a lion, independent in thought and action, a man of untiring perseverance and great energy of character; at times a little reckless and imprudent for his own welfare. I knew him intimately up to the time of his sad and untimely taking off, at the hands of a mob of brutal assassins for opinions' sake, which occurred February 6, 1859, in this city. For months previous to his death he had made my office his headquarters. Owing to the troubled state of the country, the surveyor general was slow in getting the territory surveyed and opened for settlement, and consequently the land office was not opened, I believe, while Shoemaker held the office of receiver; or if opened he occupied the place but a short time, when he was removed on account of his Free State proclivities, and William Brindle appointed in his stead.

After Shoemaker's removal, being no longer trammeled by a government appointment, he openly espoused and urged with all his zeal and energy the making of Kansas a free state. Of course, he became obnoxious, politically, to the Pro-Slavery party; although as a man and citizen he was highly respected by all who knew him, and especially beloved by his friends and immediate acquaintances. He left a large circle of friends, a devoted and most estimable wife, a lovely and interesting family of children (most of whom still reside here, I believe) to mourn his sudden demise. His widow afterwards married Judge A. Brown, a well known citizen, who died several years ago.

The following are the resolutions and proceedings of the adjourned indignation meeting, held at Leavenworth on Saturday, the 3rd of May, 1855, as I find them in the Kansas Weekly Herald, of the 11th of May, 1855:

"Public Indignation Meeting.

"Pursuant to the adjournment of the indignation meeting on the 30th of April, 1855, the citizens of Leavenworth re-convened on Thursday last, at 11 o'clock A. M., Col. A. Payne presiding, and James M. Lyle acting as secretary of the meeting. The committee appointed to draft resolutions reported the following through their chairman, Col. J. M. Alexander, which were unanimously adopted:

"Resolved, That we regret the death of our esteemed fellow citizen, Malcolm Clark, and most bitterly condemn the cowardly act by which he was murdered; but we would deprecate any violation of the laws of the land by way of revenge, but stand ready to maintain and defend the laws from any violation by any mob violence; that we do not deem the time has arrived when it is necessary for men to maintain their inalienable rights by setting at defiance the constituted authorities of the country.

"Resolved, That we deeply and sincerely sympathize with the family of Malcolm Clark, deceased, in their sad and irreparable bereavement, which has deprived them of an affectionate and loving father, and the community of one of its most useful, enterprising and esteemed citizens.

"Resolved, That the interests of our young and lovely territory have lost in the person of Malcolm Clark an energetic and

praiseworthy friend, one who was ever ready to put forth his best energies to advance the public weal, and whose sentiments were liberal and at all times expressed with a bold and fearless defiance of the errors of the day.

"Resolved, That no man has the right to go into any community and disturb its peace and quiet by doing any incendiary acts or circulating incendiary sentiments; we therefore advise such as are unwilling to submit to the institutions of this country to leave for some climate more congenial to their feelings, as Abolition sentiments cannot nor will not be tolerated here, and while we do not say what may be the consequences for the peace and quiet of the community, we urge all entertaining and expressing such sentiments to leave immediately, claiming the right to expel all such as persist in such a course.

"Resolved, That in the present state of public excitement there is no such thing as controlling the ebullition of feeling, while material remains in the country to give it vent. To the peculiar friends of northern fanatics we say, this is not your country; go home and vent your treason where you may find your sympathy.

"Resolved, That we invite the inhabitants of every state, north, south, east and west to come among us to cultivate the beautiful prairie lands of our territory, but leave behind you the fanaticisms of higher law and all kindred doctrines; come only to maintain the laws as they exist, and not to preach your higher duties of setting them at naught, for we warn you in advance that our institutions are sacred to us, and must and shall be respected.

"Resolved, That the institution of slavery is known and recognized in this territory, that we refute the doctrine that it is a moral and political evil, and we hurl back with scorn upon its slanderous authors, the charge of inhumanity; and we warn all persons not to come to our own peaceful firesides to slander us and sow the seeds of discord between the master and servants, for much as we deprecate the necessity to which we may be driven, we cannot be responsible for the consequences.

"Resolved, That we recognize the right of every man to entertain his own sentiments in all situations and to act them out so long as they do not interfere with either public or private rights, but when the acts of men strike at the peace of our social relations and tend to subvert known and recognized rights of

others, such acts are in violation of morals, of natural law, and systems of jurisprudence to which we are accustomed to submit.

"Resolved, That a vigilance committee consisting of thirty members, shall now be appointed, who shall observe and report all such persons as shall openly act in violation of law and order, and by the expression of Abolition sentiments, produce disturbance to the quiet of the citizens or danger to their domestic relations, and all such persons so offending shall be notified and made to leave the territory.

"The committee appointed on Monday last to notify Mr. Phillips of the requisition of the citizens of Leavenworth, reported to the meeting that said Phillips had left the town in compliance with the instructions given him. On motion of— —, a committee of vigilance, consisting of thirty, was appointed for the purpose of carrying out the resolutions of the meeting. The following gentlemen compose the committee — —.

"The meeting was ably and eloquently addressed by Judge — —, Col. J. N. Burns of Weston, and D. J. Johnson. On motion of Bennett Burnham, it was unanimously confirmed that the proceedings of this meeting be published in the Kansas Herald, Platte Argus, and other papers friendly to the cause.

"On motion the meeting adjourned sine die.

"James M. Lyle, Secretary.

"A. Payne, President."

In my next I will give a few comments on the above resolutions.

CHAPTER XIX.

A Few Comments on the Resolutions Published in Our Last Sketch, Passed May 3, 1855, at the Indignation Meeting, Adjourned From April 30, 1855. An Open Letter From Judge S. D. Lecompte.

THERE is a degree of freshness and the genuine ring of high-toned liberality about the last six resolutions above referred to, which is perfectly entertaining. Toombs, Brooks, Yancy, Wigfal, and others of that class would have been perfectly delighted with the high-toned, chivalrous freedom, persuasive sentiments they breathe in every line of those well rounded periods. They showed such heroic devotion to the cause of the South and her institutions. There is such a soft and winning style about them, so inviting to the Free State men of the North to come and live beneath the umbrageous shade and the broad ægis of their tree of liberty. They so feelingly assured the Free State citizens that are now residing in Leavenworth (as I have before intimated was the situation here) that all their ways shall be ways of pleasantness, and all their paths, paths of peace; happy peaceful hours should beguile their thoughts. Only follow the gentle instructions there laid down, and all shall be as serene as a May morning.

But on perusing those soul-stirring and heart-searching pen droppings, no one would have believed that their noble author was born and raised in the great Free State of Pennsylvania, that neither he nor his father before him ever "owned a nigger"; they sound so much like the emanations and outpourings of a soul gushing with freedom's aspirations. There is none of that miasmatic, depressing, choleratic, death-dealing affluvia of the lower river plantations or lagoons of Louisiana and Florida or the rice swamps of South Carolina permeating through them; there is no crack of the whip or baying of the blood hound about them. Oh no! they are as gentle and loving as a suckling dove, and reminds one of the pleasant fields of Elysium, rather than the the sickening babbling of demons in pandemonium.

I would suggest, by way of parenthesis, that I have no doubt the author of those resolutions could get a patent for them out in Utah at the present time, for I imagine the gentiles are troubling the saints in the same way the Free State men and the Abolitionists troubled the "Law and Order" disciples here in early days, interfering with their peculiar institution of slavery. I have no doubt the saints are of the same opinion towards the gentiles who are pouring into their country. "Kansas belonged to Missouri," "Long John" Stanton said, "for she found it first," and the Mormons found Utah and Salt Lake first and established the peculiar institution there first. The Mormons should issue the same "Notice to Quit" to the gentiles that the Pro-Slavery party did to us Free State men and Abolitionists here in Leavenworth. I presume it would have about the same effect.

It was a remarkable fact that the loudest, most brawling, noisy, and most boisterous of the "Law and Order" party here in Leavenworth in those days originally came from Free States; they wanted to show they were sound on the goose. The men who called, and took the most active part in their indignation meetings and composed their vigilance committees, especially the ones who passed the resolutions detailed in our last sketch, had with one or two exceptions, little or no pecuniary interests whatever in slave property in Kansas or elsewhere, they were the mere tools and puppets of designing politicians of the baser sort; in some instances the froth and scum of society, the cannaille of the towns. If niggers had been but ten dollars a dozen they could not have bought a blind one's toe nail. The prospect was truly flattering, that the star of peace was about to dawn upon us, with all of its sparkling effulgence. Those gems of thought, those chunks of wisdom, as before enumerated, were sure to act as a gentle sophorific upon the nerves of Abolitionists hereabouts. These vigilance committees were also one of our things in those days, we liked them, and had them often, at least once a year, or at least until most of the vigilants got tired wrestling with the "poke juice" and "Tarrantula oil" of those days, that flowed hot from the worm of the still, or having sometimes got too much fatigued toting their jag forgot to wake up, and so rested with their fathers and brethren. Such was life in Leavenworth in those halycon days.

An Open Letter From Judge S. D. Lecompte.

As I have previously stated, and as doubtless many of our citizens will call to mind, in 1873 I wrote a series of letters, by way of amusement and as a past time, on "Early Kansas" and especially of incidents in the early settlement of Leavenworth. Some of these letters were published in the Leavenworth Commercial, then owned and published by Prescott & Hume. It was in response to one of those letters that I received the following letter from Judge Lecompte, which I copy below. I shall have occasion to refer to His Honor more than once in these sketches, as we proceed. He was a resident of this city and county for a good many years; and as the first Chief Justice of our Territorial Court and Judge of the First District, he occupied an honorable and proud position. His political, as well as judicial actions and decisions, were often the cause of severe and captious criticism and perhaps at times unjustly so. His peculiar environments placed him oft times at great disadvantage with his political enemies, who gave him little or no credit for honesty of character or integrity of purpose. When I come to that point in these sketches where I shall speak of the early judiciary and members of the bar of our city, I will endeavor to do Judge Lecompte equal and exact justice as I saw and knew him for more than a score of years here in our midst, as a judge, a lawyer, a citizen and a neighbor.

It was at the date above mentioned I was handed by Judge Lecompte the following letter, written by himself and addressed to me. It is but justice to his memory that I should publish the same at this time—it will explain itself; and right here I desire to say that I did as he suggested from the kindest motives, leave out his name where it occurred in the "published proceedings" of the Herald of the 11th of May, 1855. I also, with the same motives, left out other names of citizens who were still living here with their families, some of them occupying public places of trust, with whom I was and still am on terms of special friendship and who are highly respected by all. The same may be true, and doubtless is to a certain extent, of other parties whose names have and will appear from time to time as we progress.

I trust no one will take offense at what I say—remember I am writing history. I may fall into errors sometimes, but I

shall ever be ready to correct them if pointed out, as I have repeatedly said, I shall endeavor to tell the exact truth as I saw it or learned from eye witnesses at the time, and shall not intentionally do any person the least injustice, but shall speak of them as history finds them. It is not a very pleasant task, and I am sure not a profitable one, pecuniarly. It is my own amusement and recreation, as I have before said, in giving my reasons for these hasty sketches. I am satisfied for the present at least. Below is Judge Lecompte's letter:

"Leavenworth, 21st July, 1873.

"Hon. H. Miles Moore,

"Dear Sir:

"I notice in reading the last of your interesting reminiscences of early Kansas, that you omit my name as one of the reported speakers at an 'Indignation meeting,' held at Leavenworth on the 3rd of May, 1855. This I have no doubt you did in kindness to me, believing that my name, in the judicial position I then held, in such connection would be discreditable to me. I thank you for such friendship, and will give the explanation of my attendance at that meeting, and of the part I took in it, which had you known would have enabled you to have done me the greater favor of vindicating me from the odium to which I was subjected on account of my participation therein.

"How often may it have happened in history that men have suffered most ignominious denunciation for their noblest acts, while others have been extolled to heaven for what, could the truth be known, was, so far as motive was involved, the basest villainy. I knew that in my own case, calumny was the reward received for as disinterested and magnanimous conduct as I was capable of performing. The facts are simply these: I was residing at the time with my family at the Shawnee Mission, with Governor Reeder and other officials of the territory. A short time before the coming along of the stage to Fort Leavenworth on the 2nd, I was informed of the intended 'Indignation meeting,' to be held at Leavenworth the next day, the leading object of which was to inflame the popular mind, to take into its own control the vindication of the law and then to promptly vindicate it, by the summary execution of the alleged culprit.

"Short as was the notice, I determined to come to Leavenworth and resist to the utmost and stop at all risk, any such move-

ment. Accordingly I came to the Fort, remained there over night, and was at Leavenworth at an early hour next morning and saw and conversed with, as far as practicable, every man supposed to be influential in fomenting or suppressing a spirit of misrule, and by the time the meeting was called had succeeded, I believed, in thwarting a course of violence. When the meeting was assembled, I mounted, I think, an old wagon, and delivered the most earnest speech within my capacity to make in favor of the resolution deprecating 'any violence.' A most violent effort was made in opposition to defeat the resolution, but, as I then believed and now think, it was mainly through my exertion, triumphantly carried.

"I spoke on no other point and do not recollect that I heard of any other subject or discussion, and most assuredly had no more to do with any other part of the proceedings at the meeting than yourself, or any other absent person. I saw the report as you published it in the next issue of the Herald, and feeling intensely chagrined at the manner of being announced as a speaker on an occasion when such resolutions were passed, with none of which I felt the least possible sympathy, except the single one I have mentioned, and that one expressing condolence with the bereaved.

"I intended to write the proper explanation for the next issue, but unhappily for a proper vindication of myself, I failed to think of the future, and considering that the knowledge of those present would correct the falsity of the position assigned to me, and let pass the opportunity of correction, and they left a permanent record, a record of the proceedings, such as it is.

"This explanation I had occasion to make and did make through the St. Louis Republican, when my name was afterwards published by the Congressional committee sent out to enquire into the disturbances of Kansas. That committee seeing the same report very naturally presumed from it, that I had advocated the rancorous resolutions of the second meeting and denounced such conduct as utterly unworthy of one in my position.

"Such denunciations I most heartily endorse upon the note of facts as they regarded it, I should have felt myself unfit to exercise the slightest functions of a judicial position, had I participated in any such proceedings.

"Thanking you again for your intended kindness, and thinking that I had not ill-advisedly availed myself of the opportunity of correcting a long existing misapprehension, I am, yours truly,

"SAM'L D. LECOMPTE."

CHAPTER XX.

MEETING IN LEAVENWORTH ENDORSING THE TARRING AND FEATHERING OF WILLIAM PHILLIPS. THE SECOND ELECTION FOR MEMBERS TO THE LEGISLATURE HELD AT LEAVENWORTH, MAY 22, 1855. PROCEEDINGS OF PLATTE COUNTY SELF DEFENSIVE ASSOCIATION. THE WESTON REPORTER. CITIZENS' MEETING AT WESTON.

THE following is a copy of the resolutions published in the Kansas Herald on the 25th of May, 1855:

"PUBLIC MEETING.

"At a meeting of the Pro-Slavery party of this city and vicinity, held on Saturday last (19th), on motion of Jarrett Todd — — was called to the chair and C. C. Harrison was chosen secretary. After an explanation of the object of the meeting the following resolutions were on motion of Judge Payne, unanimously adopted.

"FIRST. That we heartily endorse the action of the committee of citizens who shaved, tarred and feathered, and rode on a rail and sold by a negro, William Phillips, the moral perjurer.

"SECOND. That we return thanks to the committee for faithfully performing the trust enjoined upon them by the Pro-Slavery party.

"THIRD. That the committee be now discharged.

"FOURTH. That we severely condemn those Pro-Slavery men who from mercenary motives are now calling upon the Pro-Slavery party to submit without further action.

"FIFTH. That in order to secure peace and harmony to the community we now solemnly swear that the Pro-Slavery party will stand firmly by and carry out the resolutions reported by the committee appointed for that purpose on the memorable 30th.

"On motion of Green D. Todd, it was adopted that the proceedings of this meeting be published in the Kansas Herald, Platte Argus and all other papers friendly to the cause; after which, on motion of Samuel Burgess, the meeting adjourned.

"— —, Chairman.

"C. C. Harrison, Secretary."

The Second Election for Members to the Legislature, Held at Leavenworth, May 22, 1855.

This was the election held in the Sixteenth Legislative district by virtue of the proclamation of Governor Reeder, the former election on the 30th of March having been declared illegal and set aside on account of the protest of William Phillips and fourteen others, as before shown, and the erasure of certain words from the certificate of the judges.

The candidates on the Pro-Slavery side were the same as before, viz: Wm. G. Mathias, H. D. McMeekin, and A. Payne. On the Free State side they were James K. Edsall, J. E. Gould and H. L. Pennock. The election here was held at the house of George Luzadder, on the southwest corner of Main and Cherokee streets. Everybody here in those days will remember the sign of Luzadder's saloon, the painting of a large lion rampant. The judges of the election were James M. Lyle, Adam Fisher and Matt. France. Our friends from Missouri came over again to help us vote as usual, but perhaps in not quite as large numbers. There was said to have been some few voters on the Free State side who were not altogether "sound corn." They were hands from the steamer Kate Kassell, that was at the levee some time during the day. I saw the boat there, but did not see anybody vote that came off of her.

The Pro-Slavery candidates were again elected by some 250 majority; so the returns showed. Everybody voted that wanted, I believe. I quote a word from my journal of that date:

"Leavenworth, Thursday, May 22, 1855. An election is being held here today to elect legislators, as the Governor did not grant certificates to the members elected a short time ago, but ordered a new election. A good many Missourians here, but it is all passing off quietly as before and in the same way. The Pro-Slavery party will be triumphant by at least 200 or 300 majority."

PROCEEDINGS OF PLATTE COUNTY SELF DEFENSIVE ASSOCIATION. CITIZENS' MEETING AT WESTON. THE WESTON REPORTER.

I have been repeatedly inquired of, why it was that the proceedings of the Platte County Self Defensive Association (afterwards known as the Blue Lodge in Missouri in 1854 and 1855 and also the resolutions and proceedings of the Pro-Slavery Law and Order party in Leavenworth, during a portion of the same time and afterwards were requested to be published in the Platte Argus at Weston, Mo., and the Weston Reporter entirely ignored in this matter? I will endeavor to explain as briefly as possible. The editor and principal proprietor of the Reporter, from the time the writer of this became acquainted with it, in the fall of 1849 to the summer of 1856, was Samuel J. Finch, Esq. A clever, quiet gentleman of considerable ability, a practical printer, in politics a very decided, radical Whig, and during the troubles in early Kansas, although a positive Pro-Slavery man, as his education and associations were all in that direction, he was not an ultraist and early took sides against the extreme measures of the Defensive Association, and in favor of the citizens and business men of Weston against them and their outrageous demands.

As illustrative of this feeling in Weston in the fall of 1854, I will, I trust, be pardoned if I copy in this connection a hand-bill or circular, which I have preserved, and which was published and widely circulated at the time. It showed the feeling that existed there at the time, towards the Defensive Association and their extreme views. The resolutions explain themselves, and grew out of the passage by the Self Defensive Association at one of their meetings of certain resolutions, known as the "Dr. Bayliss Resolutions."

"CITIZENS' MEETING.

"Weston, September 1, 1854.

"At a meeting of the citizens of Weston and vicinity, G. W. Gist was called to the chair and Jos. B. Evans appointed secretary. On motion of W. S. Murphy, Rev. J. B. Wright was called upon to explain the object of the meeting. Mr. Wright addressed the meeting in an eloquent and able manner.

"On motion of Geo. T. Hulse a committee was appointed to draft resolutions expressive of the sentiment of the meeting. The

following persons were selected: Geo. T. Hulse, J. V. Parrott, Ben Wood, E. Cody, Col. Railey, W. S. Murphy and A. B. Hathaway. Said committee retired and after a short absence, reported the following resolutions, which were adopted by acclamation:

"WHEREAS, our rights and privileges as citizens of Weston, Platte county, Mo., have been disregarded, infringed upon and grievously violated within the last few weeks by certain members of the Platte County Self Defensive Association,

"AND WHEREAS the domestic quiet of our families, the sacred honor of our sons and daughters, the safety of our property, the security of our lives and persons, the 'good name' our fathers left us, the good name of us all, and the city of our adoption—and each and all disrespected and vilely aspersed and contemptuously threatened with mob violence; wherefore it is imperatively demanded, that we, in mass meeting assembled, on this 1st day of September, A. D. 1854, do make prompt, honorable, effective and immediate defense of our rights and privileges as citizens of this glorious Union,

"THEREFORE RESOLVED, That we, whose names are hereunto affixed, are order-loving and law-abiding citizens.

"RESOLVED SECOND, That we are Union men; we love the South much, but we love the Union better. Our motto is: The Union first, the Union second, and the Union forever.

"RESOLVED THIRD, That we disapprove the Bayliss Resolutions as containing nullification, disunion and disorganizing sentiments.

"RESOLVED FOURTH, That we, as consumers, invite and solicit our merchants to purchase their goods wherever it is most advantageous to the purchaser and the consumer.

"RESOLVED FIFTH, That we hold every man as entitled to equal respect and confidence until his conduct proves him unworthy of the same.

"RESOLVED SIXTH, That we understand the 'Douglass Bill' as giving all the citizens of the confederacy equal rights and equal immunities in the territories of Kansas and Nebraska.

"RESOLVED SEVENTH, That we are believers in the dignity of labor; it does not necessarily detract from the moral or intellectual character of man.

"RESOLVED EIGHTH, That we are competent to judge who shall be expelled from our community and who shall make laws

for our corporation.

"Resolved Ninth, That mere suspicion is not ground for guilt,—mob law can only be tolerated when all other law fails and then only on proof of guilt.

"Resolved Tenth, Lastly, That certain members of the Platte County Self Defensive Association have proclaimed and advocated and attempted to force measures upon us contrary to the foregoing principles, which measures we do solemnly disavow, and disapprove and utterly disclaim, as being diametrically opposed to common and constitutional law, and as having greatly disturbed and well-nigh destroyed the order, the peace and the harmony of our families and the community, and as being but too well calculated seriously to injure us in our property and character, both at home and abroad. We will thus ever disavow and disclaim.

"On motion of Samuel J. Finch, it was

"Resolved, That both papers, published in the city of Weston, be requested to publish the foregoing preamble and resolutions and all papers throughout the state, friendly to law and order, are hereby requested to copy the same.

"G. W. Gist, Chairman,

"J. B. Evans, Secretary."

About 150 of the leading merchants, lawyers, ministers, doctors and business men of Weston signed the same and their names were published; among them were all the officers and members of the Leavenworth Town Association, then in Weston, and also a large number of persons who afterwards became residents of Leavenworth. The list of signers is too long for publication in this sketch. In my next I will continue my story of the Weston Reporter, showing the reasons why it was specially disliked by the Platte County Self Defensive Association and ignored by the self-styled "Law and Order" mob or bigots of Leavenworth in the publication of the doings of their meetings and resolutions.

CHAPTER XXI.

THE WESTON REPORTER CONTINUED. THE KANSAS TERRITORIAL REGISTER. CAPT. SIMEON SCRUGGS, "THE OLDEST MAN IN TOWN, YOU KNOW."

THE same course was pursued by the Reporter after the first election in Kansas in November, 1854, in regard to the people of Missouri importing voters over here to control the elections. The writer of this has especial reason to remember the course of the Reporter, for from a few days after he came to Weston, he was importuned by the editor, Samuel J. Finch, Esq., and others to assist him by writing editorials for the paper. At that time Col. John Doniphan, then a young lawyer of Weston, now a leading attorney of St. Joseph, Mo., Judge S. D. McCurdy and other Whigs, were assisting him occasionally.

The writer being a stranger there and of course with but a limited law practice, I consented *sub rosa* to assist him. The paper was a weekly, and not a large amount of time was required to prepare editorials. The following year the Congressional race in the Platte district, as it was called, was rather lively; the district included about twelve or fourteen counties of Northwest Missouri. Ex-Governor Austin A. King of Ray county, was the Benton candidate; and Judge James H. Burch was the Anti-Benton candidate. They were lampooning each other through the medium of hand-bills and speeches. The Whigs thought they saw an opening for their man, after consultation with Col. A. W. Doniphan, of Liberty, Clay county, who declined to make the race, as he was a candidate for the United States Senate from Missouri.

I wrote an article for the Reporter, which was copied into other Whig papers in the district at Liberty, St. Joseph and Richmond, and endorsed by them, which article brought out Maj.

Mordecai Oliver of Ray county as the Whig candidate. Suffice it to say the boys made the race red hot throughout the district, and we ran Oliver in between the two factions of the Democratic party. After Oliver's success the Reporter still continued to flourish with increased good luck. Finch got now and then a fat government take, and all was serene.

When the troubles in Kansas commenced, as before stated, the Reporter took decided ground against the ultra measures of the Self Defensives. At the meeting of the legislature of Missouri in the fall of 1854, Finch was a candidate for Sergeant-at-Arms of the House. A tremenduous effort was made by his quondam friends in Platte to beat him, but he succeeded. He was absent at Jefferson City for several months, but the paper kept on in the even tenor of its way.

The ultra Pro-Slavery men were very bitter against it, and on one occasion after it had condemned in very severe terms, their course with regard to Kansas, rumors were circulated that they were going to put it in the Missouri river. A return word was sent by the citizens of Weston, if that was done, the Platte Argus, the special organ of the extremists, should follow, and that would certainly have been the result. The Reporter condemned in very severe terms the shaving, tarring and feathering of Phillips. In this connection I copy a few words from my journal, showing the political feeling in Missouri, in connection with the course The Reporter had advocated, as the Whig organ and against the extremists:

"Monday, July 2, 1855.

"Went over to Platte City to attend the first day of the July term of the Circuit Court; not much business doing in Court. P. M. Great "fusion" Pro-Slavery meeting held in the court room, an attempt made to instruct the members of the Legislature from Platte county to vote for General Atchison, Democrat, vs. Genera Doniphan, Whig, for United States Senator at this fall session of the Legislature. Too many Whig friends of Doniphan present, the movers of the project, Atchison's Democratic friends and a few Atchison Whigs, had to "take water" and back out. A great fizzle and a grand farce, very rich, Atchison repudiated in his own county and city. Doniphan triumphant. The last struggle of the old Defensive Association."

These are a few of the reasons why The Reporter was in such bad odor with the "Law and Order" party in Kansas.

The Kansas Territorial Register.

The first number was issued on the — July, 1855, at Leavenworth. I copy a word from my journal. I was at Weston that day and had been for a day or two before up the Missouri river to St. Joseph and above on a pleasure excursion:

"Weston, July 6, 1855.

"Tonight received the first number of The Kansas Territorial Register, a new paper just started at Leavenworth, Kansas, published by Archibald M. Sevier, and edited by Col. Mark W. Delahay.

"The paper is Democratic Union, non-committal sort of a Free State paper, and is ably edited, this number appears very well, and I trust the paper will succeed, it ought to at least, although it may have a rough road to travel before it gets through and is finally established; these gents will make the editor define his course, they will make him come out of his hole—Pro-Slavery or Free State, no namby pamby middle course; if he comes out Free State, in the river he goes. This National Democratic dodge wont work in Kansas. If the President has sent Delahay out here to run a Union-Democrat paper to be backed by Surveyor General Calhoun and Tom Shoemaker, Receiver of Public Monies, and expects it to slide along between the two and make friends with both parties and offend neither, I can tell them all this trying to 'tote water on both shoulders' won't do in Kansas. It may do in Illinois, but you will get smoked out 'right soon' by these 'Law and Order' lala bucks.

And how soon my prophecy proved true. The Register flourished finely for a few short months, but as I had prophesied, its independent course became distasteful to the regulators of the politics of Leavenworth, and it found a watery grave in the bosom of the murky Missouri river, on the night of the 22nd of December, 1855, as I will more fully show, when we reach that point in our historical sketches.

Capt. Simeon Scruggs, "The Oldest Man in Town You Know," Etc.

Even a brief outline of the early history of Leavenworth would be very much like the play of Hamlet with Hamlet left out, if the writer should neglect to mention or eliminate to any extent at least, the somewhat distinguished character whose name heads this paragraph. For I might venture the assertion without fear of successful contradiction, that there was not a man, woman or child who had arrived at years of ordinary discretion who lived a week in Leavenworth from July 1854 to 1859 that did not know or had not heard of Capt. Simeon Scruggs, one of the live institutions of Leavenworth; who when in one of his whispering moods informed everybody (only equaled by old man Asbury's quiet voice of Miami street hill above Sixth street, another genius here in early days) that he, Capt. Scruggs, was the oldest man in town you know; built the first saw-mill in town, you know—.

"You know."

I met Capt. Scruggs soon after I went to Weston, the fall of 1849. He, Gen. G. W. Gist and myself had an office together in 1854. Soon after we first opened up Leavenworth for settlement, Capt. Scruggs came down here and in company with Capt. W. S. Murphy (commonly known as Capt. Dick Murphy, of whom I shall speak bye and bye) built the first saw-mill in town, afterwards known as the Col. Isaac Young's Eclipse Mill on Block N at the mouth of Three Mile creek, north side. That fall or the spring following, Capt. Scruggs erected a nice cottage on or near the northeast corner of Second and Shawnee streets, and moved his family over here.

This firm made a great deal of money with their saw-mill for a number of years, but the death of Capt. Murphy compelled a division of the partnership property and through bad management of the estate of Murphy, by the administrators and others, and the numerous law suits in which they became involved, the vast property and holdings dwindled away and Capt. Scruggs was obliged to give up his property in town and retire to the country on a farm back of Kickapoo where he resided to the day of his death, as a highly respected citizen, a kind neighbor, an indulgent and beloved parent.

Although during all of our early troubles Capt. Scruggs was a strong Pro-Slavery man and one among the very few who brought their slaves with them to Kansas; he was always a very kind and considerate man, not overbearing towards Free State men and very generally respected by all who knew him or had business with him. He may at times, when laboring under adverse circumstances have been cross and somewhat ill-natured, but it was this exception, he was kind and obliging to all and very much respected as a man of integrity and probity of character by his friends and neighbors.

CHAPTER XXII.

George H. Keller and A. T. Kyle, How Uncle George Got Possession of the Old Leavenworth Hotel. Another Chap's Experience and Failure. Uncle George's Consolation, Etc.

I SPEAK of these two old citizens together, as their names were almost inseparately connected in the early history of Leavenworth. I was well acquianted with both of them in Missouri for several years before Kansas was opened for settlement. They were both original members of the Town Company, and took a very active part in the first settlement of the town. They built the old Leavenworth Hotel on the northwest corner of Main and Delaware streets, the first hotel built in Kansas, and about the third house built in Leavenworth. They also dug the first well in town, near the corner of said streets, now filled up.

They came over here with their families and opened the hotel on the 7th day of October, 1854, two days before our public sale of town lots. They kept this hotel for a year or more, when Mr. Keller built and occupied the front part of the Mansion House, as it was afterwards called and occupied the same as a dwelling house, and also kept some boarders in 1856. This house was located on the southwest corner of Fifth and Shawnee streets, where the O'Donnell block now stands. That was long before the streets were graded in that part of town. That location was called by the Pro-Slavery men "Abolition Hill," as it was a sort of headquarters for Free State men.

During a portion of 1856 the Phillips brothers, William and Jared, resided in the Scott House, nearly opposite where Mrs. Duke now keeps a boarding house, on the hill next west of the Phelan block. It was at the upper center front window of that

house, above the porch, as it now stands, where William Phillips stood when he was shot and killed on that bloody Monday in September, 1856, as I shall have occasion to show and give the particulars connected therewith when I reach that portion of Leavenworth's early history.

Mr. Kyle, soon after they rented the hotel, I believe, went to the country on his farm for a short time, and then moved back to Weston and entered the grocery business, where he remained until he returned to this city and opened a large livery stable on Shawnee street, as the head of the firm of A. T. Kyle & Co., opposite where Bittmann-Todd Grocery Co.'s wholesale store was, just east of Second street on the north of Shawnee street and next west of the old Shawnee Street Hotel. Part of the old stable was lately occupied by McNally's Transfer Co.'s barn, but has since been removed. Mr. Kyle is now living in Montana, the only living member, besides the writer, as I have before stated, of the original Leavenworth Town Company of thirty members.

Uncle George Keller, as everybody called him, always had a host of friends in Kansas during his life time, and if ever a man deserved them, he certainly did; for among the list of Kansas' true friends in early days no one is entitled to be held in more grateful remembrance by every Free State man, woman and child, who came to Kansas during the years 1854, 1855, 1856 and 1857, than George Keller, and his most estimable wife, Aunt Nancy Keller, as all delighted to call her. Mr. Keller was born in Kentucky and came to Missouri, where he resided a number of years in Platte county in Fancy bottom, above Weston, and from there came to Leavenworth, as I have shown. He came to Kansas to improve his pecuniary condition as many others did. At the first election in 1854 he voted for Whitfield, I presume, as many others did, as there was supposed to be no special question of politics in the election. As I have before stated, Flenniken was looked upon as a mere political adventurer, as he turned out to be. At the spring election following, Mr. Keller was known and recognized as a Free State man, and from that day forward was one of the most devoted and earnest Free State men in the territory.

If Mr. Keller at the time of his death did not have an abundance of this world's goods, it was in a great measure owing to

the unbounded and generous liberality of his great big heart, for no man gave more liberally of his substance to feed the hungry and rest the weary and travel worn stranger that came within the gates of our city in those early days. None were turned away hungry, and none denied the shelter of his hospitable roof, because they had no sheckles in their purse with which to pay. As Gen. George McLane said: "He was literally the husband of all the widows, and the father of all the orphans who came to Leavenworth in want. And as McLane , in his letter to Col. Anthony, which was published in the Leavenworth Times, the 3rd of of May, 1873, I believe, said of the writer of these sketches, that I squandered money like rain for the benefit of the Free State cause in Kansas, and that he knew "personally and positively, that my disbursements for the good cause of freedom, amounted to thousands." The same can be truthfully said of Uncle George Keller's liberality in those days. And will some kind friend of his please tell me what good, pecuniarily it ever did him, and why was it that at the time of his death he was not occupying some position of honor and trust in the state, for which he was so eminently qualified, and living in ease and affluence, which he so richly deserved, rather than toiling like a slave in his old age, on a small farm to support himself and aged wife? Echo answer. He was one of the "old guard of freedom" in early days, and that was enough to banish him to political oblivion in these latter days of grateful republics.

I believe there was but one of that old guard that held office in Kansas at that date, and that was Judge Delahay, and no thanks to Kansas politicians for that. True Uncle George was once or twice honored but it was most empty honor.

He was a member of the first Free State Territorial Legislature in the winter of 1857 and 1858, with the writer. He was appointed the first warden of the state penitentiary, but only held it about two years, when he had to give way to a political favorite of the then Governor, who soon retired to give place to that efficient and faithful officer, Major Hopkins.

Perhaps one or two amusing incidents in which Uncle George played a prominent part, and as illustrative of the humorous side of some scenes in the early settlement of our town, a narration of them might not be out of place at this time. I will give one or two as I saw them.

How Uncle George Got Possession of the Bar Room of the Old Leavenworth Hotel.

After Keller and Kyle had quit keeping the old Leavenworth Hotel, on the northwest corner of Delaware and Main streets, they leased it to W. H. Freeland, and he in turn, leased the corner room to Captain Dick Murphy. Owing to some irregularity in drawing the lease, all parties refused to pay rent for the building, neither would they vacate. The matter had been in law a long time and Uncle George got the worst of it every time. His attorney advised him if he could only get possession of a part of the house he would be all right, so one day the old man got his dander up. He was a powerful man, physically, and of good nerve, so taking one or two friends to see the thing well done, he went down to the bar room and calling for Captain Dick, learned that he was out of town. He told the bar keeper to "vamoose the ranch," "get out." The bar keeper saw the old man meant business and soon commenced to pack up. Uncle George thinking the moving was a little slow, as a crowd began to gather to see the fun, he seized a barrel full of whiskey by the chimes and carried it out of doors with about the ease an ordinary man would carry a sack of flour. A few minutes only were required before the owner was in possession of that part of the house at least, and in a few days the whole matter was compromised by the parties surrendering entire possession to the owners, who were glad to get the house and lose the rent.

Another Chap Tries His Hand at Ejectment and Failed Ignominiously.

A few days after, a landlord of small physical capacity tried to get some parties out of a building owned by him on Main street, below Delaware, in which a saloon and gambling room was kept. He had seen how easily, apparently, Uncle George had got a non-paying tenant out of his house, and he tried the same scheme. The result was slightly different. Instead of getting his tenant out, they kicked him outdoors and down to the river bank, and he was only saved from a ducking in the river by giving them a receipt in full for all past rent due, and also for some months in the future.

Uncle George's Consolation.

Among the thousand and one amusing incidents that were constantly occurring during those days, I will relate but one or two more at this time. A few days after the writer of these sketches had gotten out of jail, in the old warehouse of Russell & Co., on the southwest corner of Second and Cherokee streets, next to the alley, in the summer of 1856, at one of the times when the boys playfully tried the strength of a hempen cord around my spine, just below the ears, I was sitting in my office one afternoon, when Uncle George Keller, the old veteran, dropped in to chat a while over matters. True, things looked a little blue for us Free State lads, as several had been ordered to leave, and many had left the city and state, some by the short route, and others had been booked for the same route, but had not yet received their tickets of leave. I was simply allowed to stay a few days (by permission of the Vigilance Committee of fifty of whom I will speak at the proper time, and whose names I have,) by reporting myself twice a day to W. H. Russell, until I could settle up certain matters. Uncle George, with a sad countenance and a long drawn Methodist sigh, remarked: "Well, Miles, there is this consolation, the Lord loveth those whom He chasteneth." "Yes," I replied, "I think He ought to, He has chased almost all of us out of Kansas and will the balance in a few days, I suppose." Uncle George waited a few moments in astonishment, and then the bald perversion of his quotation, by me, broke upon his mental vision, and he bawled out in one of his inimitable laughs, shaking all over, from head to foot, which must be seen to be appreciated; he replied: "I believe you would take it as a joke, if they were going to hang you." I told him that was a slight mistake, as I had seen that tried, and felt the pleasure of a perpendicular elevation by the throat latch, a few mornings before, and was not craving a repetition of that special enjoyment.

CHAPTER XXIII.

THE RAPID INCREASE OF LEAVENWORTH IN WEALTH AND POPULATION DURING THE SPRING AND SUMMER OF 1855. FIRST ELECTION OF CITY OFFICERS IN LEAVENWORTH.

A SPIRIT of push and enterprise pervaded the whole territory during the spring and summer of 1855. People were pouring into the country from all the northern and western states, farms were being opened and claims taken up, improvements going on rapidly, towns were springing up in every direction. Speculation was rife and foremost among the crowd, Leavenworth was booming.

The great government overland transportation company of Majors Russell & Wadell had established their headquarters here, and were constructing stores, warehouses, blacksmith and repair shops, an immense business of itself. They employed not less than two thousand men in all branches of their extensive and multivarious business, from the rough, uncouth bull whacker and mule skinner, to the gay and festive clerk in their immense dry goods house, or the sober, sedate and calculating cashier of their banking house. They counted their Texas steers by the ten thousands and measured their huge "prairie schooners," by the acre. On every highway and at every government post, from Fort Leavenworth to Salt Lake City, from middle Texas and western New Mexico and Arizona on the south and west, to the most northern posts in Nebraska, could be seen these immense caravans loaded with government stores, stretching their slow length along, like some huge python, fold on fold unfolding, coil on coil uncoiling, o'er hill and dale, across the mighty western plains it drags its winding course along.

They moved millions of pounds of government freight yearly. Their vouchers counted far up among the hundred thou-

sands, their profits on these immense outlays were simply fabulous. Old Aleck Majors was the great manager on the plains. Reared on the very border of western civilization at Independence, Mo., and accustomed all his life to these yearly voyages across these almost boundless plains of Kansas and Nebraska. Unfortunately his book education had been sadly neglected in his early youth, but what he lacked in this respect he made up in good business, practical, hard sense; together with skill, rugged honesty of purpose and integrity of character. He had one peculiar trait of character which was the more marked and striking from the fact that he had so long been a constant traveler across the plains and thrown in daily contact with those rough men of the border. It was during these many years he never uttered a profane word, and one of the conditions of the employment of that army of wagon masters and teamsters, was that they should not swear. To believe that a plainsman of those days could drive six or eight yoke of wild Texas longhorns, hitched to one of those big wagons, across the country from Leavenworth to Fort Laramie, and not utter an oath, is to believe that a Kansas politician is an honest man, a species of credulity that but a few are guilty of, it simply "can't be did." The Napoleon of finance and management of that firm was William H. Russell, of whom I shall speak at some future time. He remained here at Leavenworth. Mr. Waddell lived at Lexington, Mo., and lent his name and wealth to the firm, of course sharing in its profits.

The population of Leavenworth increased from about 200 inhabitants, the 1st of April, 1855, to nearly or quite 2,000 by the 1st of November the same year. Over two hundred dwellings were erected during that year, and property increased very rapidly in value, from $200 a lot to $1000 and $1200 in certain business localities. Money was plenty and everybody was in good spirits. On Saturday evening, the 8th day of July, 1855, I left Leavenworth by the steamer New Lucy, Captain Wm. Conley, via St. Louis, for a flying trip of pleasure and business to my old home, Rochester, N. Y., by the way of Chicago and the lakes and Niagara Falls and to the eastern cities, New York and Philadelphia and watering places.

On the next day after leaving Leavenworth (Sunday) I met Mr. Andrew McDonald, a member of the Kansas Territorial Legislature (then in session at Shawnee Mission) the bearer of a memo-

rial to the President of the United States from said Legislature praying for the removal of Governor Reeder. As I have previously stated, before the messenger reached Washington, Reeder had been removed and Secretary Woodson was acting as Governor of Kansas. The meeting of the Legislature by the call of Governor Reeder, at Pawnee, its adjournment to the Shawnee Mission, and all of its proceedings; the several Free State meetings at Lawrence; the convention at Big Springs; the Constitutional convention at Topeka are fully set forth in the sketches of "Early Kansas Governors," heretofore published and which I am to complete bye and bye.

I find this note in my diary:

"On my return to Leavenworth from the East, which I reached a few days before the Big Springs convention, about three o'clock A. M., went up to the Leavenworth Hotel, got a bed on the floor for an hour or two; after breakfast went down to my office, found one, Squires, a daguerreotype man, occupying the front room. I had left the office in Delahay's charge and occupancy as his editorial den, and now find it has gone into the picture business on its own account. This beats law and newspaper editors. The town has improved and is still improving rapidly. I learned from General John Calhoun, Surveyor General of Kansas and Nebraska, that the United States Government has ordered him to remove his office from Leavenworth. He will take it to Wyandotte, only temporary, however. The land office is also ordered removed to the same place. This is the work of that d—d scoundrel, Indian Commissioner Manny Penny, because we will not buy him with town shares, he said he would give it to us in the neck ere long. We shall have more trouble with him when the Government comes to sell the townsite for the benefit of the Delaware Indians."

And how literally true this all proved to be, as I shall show when I reach that point in our history.

First Election of City Officers in Leavenworth.

The city of Leavenworth was duly incorporated and a special charter passed by the first territorial Legislature at Shawnee Mission in the summer of 1855. A supplemental act was passed a few days after providing for an election for mayor and councilmen and appointing J. Harvey Day, W. H. Adams, and Lewis

N. Rees of the city of Leavenworth as judges of the election, to hold the first election for mayor and councilmen under the provisions of the original act. The time was to be fixed by said judges and they were to give at least three days notice of the time and place by ten written or printed hand-bills put up at ten public places in said city or by one insertion in all the newspapers published in said city. They were to give to the mayor and council the certificates of their election.

I had not yet returned from the East when this election was held and have no minute of it in my journal of the day or place. The act of incorporation of the city and the supplemental act can be found in the Statutes of 1855, pages 837 to 847 inclusive. Also the first two acts in book of City Charters and Ordinances of Leavenworth compiled 1869 and 1870. Although there are quite a number of persons in this city now, or were a few years ago, who must have been present at that election, there are no persons in this whole section of the country or but one now living, that I am advised, who were city officers at that first election, and I was personally acquainted with each of them. The last two who resided here that I call to mind were George H. Russell, for a long time a stove merchant here on Main street and Delaware and lastly on Shawnee street, between Third and Fourth streets, north side; he moved to Wyandotte and was mayor of that town and died there. The other, Wm. T. Marvin, also a stove merchant here in early days, of the firm of Luce & Marvin. He afterwards moved onto his farm in Easton township and was a member of the Board of County Commissioners of this county for a number of years. He was an active Free State man, and died a few years ago, highly respected.

Both of the above named gentlemen were elected councilmen at the first city election. There is no official record of that election that I can find, and although I have made diligent inquiry of many persons, no one has yet been able to fix the exact date of that election. This but shows how rapidly those little items of special interest to our city's history are being lost. My own best judgment is that the election was held on Monday, the 3rd of September, 1855, as I reached here on my trip from the East on the 5th of September, as before stated, and that election had been held only a few days before. The first meeting of the city council was held on Tuesday, the 11th day of September,

1855, over J. L. Roundy's furniture store on Delaware street, between Second and Third streets, east side, near where Endress' stove store now stands, a lot or two west. It was the day on which our Leavenworth Town Association had a meeting and drew four additional lots to each share. Thos. F. Slocum was the first mayor; Dr. J. H. Day, councilman and president of the board. The other councilmen (all elected at large) were Fred Emery, M. L. Truesdell, Thos. H. Doyle, George W. Russell, William T. Marvin, Dr. G. J. Park, and Adam Fisher. After the board of councilmen was organized they appointed Scott J. Anthony, register or city clerk, William X. McDowell, city marshall. He resigned October 17, 1855, and J. L. Roundy was appointed in his place. City treasurer, William H. Bailey; assessor, H. G. Weibling; city attorney, John I. Moore; city engineer, E. L. Berthoud, afterwards a resident of Colorado, a Union captain in the late war, and the discoverer of "Berthoud's Pass" (so called) through the Rocky Mountains; comptroller, M. L. Truesdell.

The first fire company was organized by consent of the city council, September 17, 1855. The first city ordinance was passed September 17, 1855, and was entitled, "Relating to Games of Skill and Chance." The city printing was given to the Herald and Register on the 25th of September, 1855. Policemen received $1.50 for every twelve hours of duty. Two were first appointed. Of the above officers, Mayor Slocum returned to Pennsylvania and died a good many years ago. Fred Emery, if living, resides in St. Joseph. M. L. Truesdell is reported to have turned out badly, and since died. McClellan went west and is dead. Thos. H. Doyle, formerly a merchant here, since deceased. Adam Fisher died in Washington, a year or two ago. Of George W. Russell and Wm. J. Marvin I have spoken above. Dr. J. G. Park, one of the best and truest men in Kansas in those early days, for many years a druggist in the city at the northeast corner of Third and Delaware streets, where the Missouri Pacific railroad office now is. Everybody knew and respected Dr. Park; he died here a number of years ago. Scott J. Anthony, one of the noblest Free State men in Kansas, now a leading and wealthy citizen of Denver, Colorado; of Wm. A. McDowell I have no knowledge; Wm. H. Baily established the first jewelry store in the city. I am not aware that

he is now living. H. G. Weibling, one of our oldest and best citizens in those days, carried the first mail to Lawrence from Leavenworth and ran the first hack or stage line between the two towns; he died here about 1873. John I. Moore went first to Colorado and then to Washington, D. C., in Government employ for a number of years, and from there he returned here, where he died some years ago. Mrs. Kate Jacobs, lately living near Boling, in this county, and her interesting family are well known in the city; she and Miss Hattie Moore, late of this city, are daughters of the late John I. Moore. Of Berthoud and Truesdell I have previously spoken.

CHAPTER XXIV.

THE FREAKS OF A BRILLIANT JOURNALIST. GEN. GEORGE W. MCLANE AND HIS YOUNG AMERICA. PERSONAL REMINISCENCES OF TRYING TIMES, ETC.

AS I said in a former sketch, in writing the history of the early settlement of Leavenworth, to have left out a notice of Uncle George Keller and Capt. Simeon Scruggs, would be like the play of Hamlet with Hamlet left out; so I say with reference to Gen. Geo. W. McLane. That noble, generous, wide-awake, brilliant, but erratic personage. The very soul of honor, liberal, broad-guaged, generous to a fault, true as steel to his friends, an honest, brave, chivalric, high-minded gentleman, with many friends, all who knew him loved and respected him. Like many other generous souls, he was at times his own worst enemy. With all his seeming faults we loved him still.

With the consent of my readers, I will relate one or two incidents in the life and service of this rather remarkable character who flourished in and about Leavenworth during its early history and was also well known throughout the state. I opine there is scarcely a man, woman or child, who resided in this city from 1854 to 1859 who did not know Gen. George W. McLane. McLane was a genius in his way; a man of a great deal more than ordinary ability, keen, shrewd and sparkling; pleasant, agreeable, eminently social, a ready and versatile writer, a dashing, rollicking good fellow; fond of society, a true devoted friend (as the writer of this had occasion to know personally), pecuniarily reckless, a little changeable at times, brimful of humor, and frequently bubbling over with mirth and wit, and again despondent and low spirited. All of us have our failings and Mac had his—a too great fondness at times for the flowing bowl and jolly cheer, but as I said before, with all his failings we loved him still.

I first met the General in the winter or spring of 1854, at Weston, Mo. He was then, as he said, on a tour of inspection, looking after and establishing nests of "White Mice," as he called them—said afterwards to be lodges of the "Knights of Palermo," or "Sons of Malta." He traveled through Missouri and returned to Weston; shortly after we started the town of Leavenworth, he came over and became identified with this city and her welfare. He was the auctioneer for the Town Company at their first public sale of lots in October, 1854. Politically McLane was originally a Whig, and stuck by the old party as long as it had a semblance of existence. I will presently relate an incident showing his devotion to that old party.

During the early troubles in Kansas, McLane took no very active part. He had many warm friends on both sides; he never was guilty of the least unkindness toward Free State men, and on more than one occasion he befriended them. I call to mind one special instance for which Mark Parrott and myself had reason to remember McLane with no ordinary feelings of kindness. It was on the night of the 23rd of May, 1856, two days after the sacking of Lawrence, and two days before Governor Robinson was brought here a prisoner, and while the Congressional committee were investigating the Reeder-Whitfield case, of which I shall speak more in detail when I reach that portion of our city's history.

I was occupying the back room of my office building (then on Delaware street, where the mattress factory now is, next door west of Jas. Foley's steam heating and plumbing store; north side of Delaware street between Second and Third streets) as a sleeping room, as there was a scarcity of lodging rooms in town in those days. Parrott was sleeping with me. We had observed that there were a good many border ruffians, as they were called, in town that day, and a lively sprinkling of Kickapoo Rangers, but we gave the matter no special thought, as it was no uncommon occurrence in those days. I was well aware that most of them, as well as a good many in town of like ilk, had no special love for me, and it would require no stretch of imagination to believe that the gentle feeling was mutual. I was also aware that I had acquired (whether deserving or not) and that they well knew it, the reputation of ordinary nerve, a clear eye, and a quick motion, with a corresponding disposition to use the means

provided for the emergency, which were always ready and convenient, consequently I gave the matter no thought.

We retired as usual about one o'clock A. M. I was suddenly aroused by a hurried pounding at the back door and my name was called. I arose instantly and seizing one of my navy's, which were always handy within my reach, went to the door. Before opening it I inquired who was there, and was fully satisfied it was McLane. He informed me very hastily and emphatically, that I had better get out of there immediately; that he had just left a party of about forty desperate men, and named several of them, who I well knew, at Ki Harrison's saloon, then on the west side of Main street, between Delaware and Cherokee streets; that they were all drunk, and that they had just taken an oath that they would close my accounts that night, and that they were then about ready to start when he slipped out of the back door and ran as fast as he could across lots to inform me.

While I was grateful for his kindness, I thought best not to go. I had about eighteen shots and I told him if he had anything with him to come in and we would see them through with the best in the shop. But he declined my kind offer, and renewed his fervent appeal. In the meantime our conversation at the door, although carried on in a low tone, had aroused Parrott, and he springing up inquired what was the trouble.

I soon explained what was on foot. As soon as McLane learned who was in the room with me, he insisted, and Parrott not ever being overburdened with "sand" also urged a speedy departure from that immediate locality. I finally yielded to the pressure, thinking perhaps that discretion under the peculiar circumstances was the better part of valor. I promised Mac we would vacate immediately—perhaps the infernal yells of the demons, which was borne to us on the midnight air as they came up the streets, accelerated our motions. At all events we were not long in vamoosing the ranch.

I took my guns, locked the back door of the office, and put the key in my pocket. Mac ran up the alley to Third street and crossed Delaware to the south side and met part of them (so he afterwards told me) in front of what is now the Douglass building, next door west of Higgins & Coldren's plumbing store. The crowd had not missed him since he left them at Harrison's saloon. He inquired where they were going, they said to clean

out that d—d Abolitionist, Miles Moore, and for him to come along and see it well done. He went with them. In the meantime Mark and myself had crossed over to the north side of Shawnee street directly back of my office, and we waited in the hazel brush to watch the movements. We had not long to wait, for presently a portion of the d—s dashed past on each side of the building, between it and J. B. Davis' furniture house, where Geo. Heavey's commission store now stands on the west and Conway's Hotel on the east.

Some of them broke into the front door, and others the back door. The nest was warm, but the birds had flown—to the brush.

They cursed and raved like mad men, vowing vengeance, but finally retired to their den, without doing much damage, and finished their night's debauch. After a little reflection Parrott and myself concluded that the neighborhood could get along without our presence the balance of that night, so we took a little walk up to Fort Leavenworth for our health, where we remained with a friend until nine o'clock next morning, then sauntered down the river bank to the town and went into the old Leavenworth Hotel, where we both boarded, and got a late breakfast as though nothing had happened.

We had been out in the country to Pennocks, and stayed all night (so we said) and walked into town. Nothing was ever said about the little recreation of that night, as we both felt that we owed our lives to McLane and we would not expose him. I should not have related this incident at this time, but it cannot possibly injure McLane, if he is still living. I think he has long since passed over the divide; at least most, if not all, of those incarnate fiends have gone to their long homes. Such a friend was McLane.

McLane as a Town Speculator.

By shrewd management McLane had obtained some shares in Kickapoo, Geary City, Palermo, Lawrence, and a few lots here; also some shares in several paper towns in Nebraska. With these shares he flourished and occasionally roped in a verdant speculator who had more money than brains, but was anxious to become a millionaire on a small investment. Those were the chaps Mac was seeking, the gudgeons he had his hooks baited for.

Of course McLane's expenses increased as he spread out. Not being much of a miser, he hoarded up but little filthy lucre; but as he said to me, his great ambition was to be the sole proprietor and editor of an independent newspaper and also to show the boys how to run a journal on a plan similar to the New York Herald.

Of that newspaper scheme I will speak presently. As everybody appeared to be getting rich in town speculations, Mac concluded he would make a bold dash in that direction on his own hook. He disappeared from here and was not visible to the naked eye for several weeks. He appeared as suddenly as he had disappeared, with a large roll of lithograph maps and plats of the "City of Washington," gotten up in splendid style. He had located it somewhere in Pottawatomie county, Kansas, I believe on the "Red Vermillion" river; greatest water privileges in the world, coal in abundance, fine stone quarries, rich farming country around it, etc., etc. He wrote flaming articles about it for the newspapers and sent them broadcast.

The thing took like hot cakes. Mac had about 500 shares. A portion of these he distributed judiciously among his friends and sold the rest at a fair price and made a raise. Rumor, that unreliable old lady, sometime afterwards started the story that "McLane went direct to St. Louis, and there met another gentleman, who had been somewhere in the upper country, and that they got up the scheme to catch gudgeons. That McLane had never been within a hundred miles of the pretended 'City of Washington.' " The scheme worked well, however, the boys got the money and all were happy, except the chaps who next year went to hunt up the town and returned with a large sized flea in their ears. The townsite had been jumped by some adventurous customer. who had not the fear of townsite owners before his eyes.

CHAPTER XXV.

"The Young America," George Washington McLane, Sole Editor and Proprietor. McLane as a Whig Organizer. McLane as an Exhorter. A Response From Gen. G. W. McLane Redivivus. Gen. McLane's Letter.

WE continue from our last, two or three more incidents as we call them to mind, in the life of this erratic philosopher during his residence in our city. "The Young America," Geo. Washington McLane, sole editor and proprietor. Such was the name of a meteor that flashed for a few short months its brilliant and sparkling scintillations across the plane of the newspaper world in the latitude of Leavenworth in 1857. McLane was in his apoge cycle. The Young America was out, and roaring "Ad astra," everybody read it, all must have it, the children cried for it; its course was onward and upward, its columns sparkled with wit, it was brimful of fun and humor, at times caustic and severe; now and then a religious vein was opened, like a streak of lean and a streak of fat in well selected gold band breakfast bacon.

But all things earthly have an end, save a circle, and a termigants tongue, so says the proverb. It was too big a thing for the General's gait, the pace was too rapid, he could not bear so much prosperity; he began to neglect his bantling; it grew dull, then insipid; friends deserted it, and one day it reeled and staggered like an old Government mule with the blind staggers, kicked and with a snort it turned up its toes to the daisies; it died game like a thoroughbred. The relentless constable seized its carcass to pay the debts it owed those who had nursed it through its puling infancy and little breeches period, the printers, who cannot live on wind pudding and water gruel as a steady diet, for any great length of time, so saith the old stagers, wanted their hard earned dollars. "Whom the gods love, die young."

McLane as a Whig Organizer.

Before the Republican party was fully organized, and after Mr. Clay's death, several attempts were made in different parts of the country to revive and breathe anew the breath of life into the once grand old Whig party. About the time McLane was in the zenith of his glory in this city, he and Jerry Clark, H. T. Green and a few other old Whigs called a public meeting at Stockton Hall for the above purpose. Flaming posters were gotten out, a band paraded the streets, and a big crowd gathered at the hall to see the fun. The General, Clark and Green were seated in front. After considerable canvassing Jerry made a motion that Gen. G. W. McLane be called to the chair, Green seconded the motion, and it was carried unanimously, and the General mounted the rostrum.

Some one in the crowd suggested that they have a secretary; McLane replied that it was not necessary, he would keep the minutes. Then there was another pause. After awhile Green moved that a committee on resolutions be appointed and that the chair appoint the committee. Mr. Clark seconded it. A Philistine in the crowd, C. F. Currier by name, an old Democrat of the hard shell persuasion, moved an amendment, "that the meeting appoint the committee." But McLane was equal to the emergency. Casting his eye over towards the mover, he replied, "I reckon Cyrus; that is too thin, if you want to join the Whig church, come forward on the anxious seat." He saw that move was an invention of the enemy. So he promptly declared the mover and amendment both out of order, and proceeded to put the original motion thuswise, "All in favor of the original motion, viz: that the chair name the committee, will make it known by saying aye." One or two voices responded "Aye," and without putting the converse of the proposition he immediately replied, "Aye, aye. The aye's have it, the motion is carried and the committee are H. T. Green and Jeremiah Clark. They will retire to the committee room and prepare their report."

This was too good, everybody roared, and old Cyrus as loud as any one, at the shrewdness of McLane. The committee retired, and as they passed McLane, he handed them a roll of foolscap, of course it had no reference to the resolutions they were to report. The crowd soon commenced calling for a speech from

McLane. The General was not long in responding. It is but justice to the speaker to say, it was a splendid effort. His review of the old Whig party, its former greatness and power, and his eulogy upon the life and services of its distinguished leaders, Clay and Webster, was simply grand and eloquent. The committee soon returned and passed the result of their arduous labors to the chairman. He readily deciphered them to the great edification of the crowd. On motion to adopt the report of the committee as a whole, another son of Belial, O. B. Holman by name, moved to amend, by adopting the resolutions seriatem, but the General again entered the breach and soon put the valiant knight hors-de-combat, in a similar manner to the former move by declaring the original motion carried unanimously without putting the negative of the question. The meeting soon adjourned sine die. This was the first and last effort to revive the Whig party in Kansas. Its mid-wives were its sponsors and pall-bearers, and slowly and silently at low twelve they bore the corpse away to the tomb of the Capulets. "Requiescant in pace."

McLane as an Exhorter.

A short time before the General left Kansas, he had gotten somewhat demoralized. On one occasion he was in Lawrence, and at night, laboring under somewhat adverse circumstances, he strayed into the old Methodist church that stood opposite the Johnson house. A revival meeting was in full blast, and among the loudest exhorters was General Jim Lane, he was renewing his spiritual grace for the hundredth time. McLane heard him through, and Rev. H. P. Johnson (afterwards the gallant Colonel of the Fifth Kansas Cavalry, who was killed at Morristown, Mo., in 1861) commenced a brilliant and powerful exhortation, and alluded in the course of his remarks, to the noble services of Gen. Lane in the Mexican war; and also in the history of Kansas; how much was done by arousing the interest of such men in the cause of religion, etc., etc. McLane, not having a very clear conception of his present whereabouts, or the surrounding circumstances, supposed he was in a political meeting, as Lane and Johnson, both of whom he knew intimately, had been making speeches, he thought his turn had come. So steadying himself by a bench, he opened out in his peculiar tone and inimitable manner, which must have been seen to be properly appre-

ciated, "Mr. Speaker, Gen. Lane and Rev. Johnson have told this crowd what they did in the Mexican war, I want to inform you and them, that I, George Washington McLane, was there too. I fought, bled and died for my country (pausing for a moment, he added) nary time." By this time Lane, Johnson and others had reached the General and kindly informed him, "he was mistaken in the place. This was a religious meeting and not a political one." Mac gathered himself together and replied: "Boys, I reckon, I must have gotten into the wrong pew," and he retired very gracefully.

A Response From Gen. Geo. W. McLane, Redivivus.

As I said on a former occasion a portion of these latter sketches were published in the weekly Commercial by the writer in 1873, and some of these incidents above related about McLane. I penned a few sketches of the distinguished gentleman whose name heads this communication, not knowing at the time whether he had (to use his own expression) "passed in his chips" or not. A short time after publishing the above, I received the following letter from him. As it was the last letter I received from the General, I trust I will be excused for publishing it at this time. It is McLane all over, as those who knew him will recognize, "his footprints in the sands of time" portrayed in every line. In the language of the immortal Webster, McLane "still lives" and a jolly lad he then seemed to be.

Gen. McLane's Letter.

"Washington, D. C., April 24, 1873.

"My Dearly Beloved Miles:—

"I have just been shown the Commercial. I aint 'lafed' so much in a year. It is bully, and I am much obliged for your complimentary terms. The only error is that the Young America did not die, neither was she sold for debt. If you will reflect a moment you will remember that I merged it into the Daily Ledger, the first daily then west of St. Louis.

"I just called in to Gen. Tom Ewing's office today by the merest accident, and was shown the paper. We had a jolly time over it, and enjoyed it to the utmost. I gobbled the paper and will put it among my precious treasures.

"God bless you. I suppose you know I was left out in the cold for Congress last fall from Arkansas. I am now en route for Vienna and leave New York tomorrow afternoon. I anticipate a pleasant time abroad, and I will have it if I keep sober; damn it, I will have it any how. Mrs. Mc. is very well. Love to everybody.

"Adieu, Sweetness, Adieu.

"GEO. W. MCLANE."

I stand corrected as to McLane's newspaper venture. It was the Daily Ledger, into which he merged the Young America, that went up the flume. I do not think Mac made the Vienna connection, I never heard direct from him again. Afterwards I learned he died in Philadelphia, his old home.

CHAPTER XXVI.

A Few Items of Interest, and the Precise Location of Certain Buildings, and Other Points of Interest in the Early Settlement of Leavenworth, Kansas, as Heretofore Compiled By the Writer From His Own Personal Observation at the Time, and From His Daily Diary or Journal, Which He Has Preserved Intact From 1852 to 1880 Inclusive, Together With Other Writings, Scrap Books, Etc.

I HAVE previously given the causes which led up to the location of the town. Who and where the first settlers and the Town Company came from. Also the name of the first newspaper in the town, and where it was printed and its history. Also when and where the first house was built in the town. Who composed the first Town Company, the officers and members. The first sale of town lots, and the prices for which they were sold, etc. Where the first hotel was built and who built and kept it. I now propose to follow this up with items of equal interest.

The first store in town was owned and the house built late in the fall of 1854 by Lewis N. Rees, on the east end of lot one, block three, northwest corner of the Levee or Front street and Delaware street. All of this lot, the east end of Delaware street, between the Levee and Main street, and all of block two, above referred to, are now occupied by the Union passenger railroad depot and grounds.

The first postmaster in the town was Lewis N. Rees, he kept the post office in his store room, on the northwest corner of Levee, Front or Water and Delaware streets, above mentioned. The mail was brought down from Fort Leavenworth by private conveyance. Mr. Rees served as postmaster for some time, as an accomodation to the people, without pay, before he was legally appointed by the United States Government.

I have also heretofore spoken of the first saw-mill in town and who built and run it. Also the first hotel, its owners and location. The same parties also dug the first well in town, south of the hotel, on Delaware street, near the corner, about on the curb line as now located, in front of Joerger's railroad office. When Delaware and Main streets were afterwards graded the well was dug down or off at the top and the balance filled up.

The first boarding house built in town was owned and kept by Mrs. Garno in the fall of 1854 on block three, near the center of the block, fronting on Main street, just north of the Times building. Mrs. Garno afterwards moved to Wyandotte, Kansas, and built and kept the justly celebrated Garno House in that city.

The first religious services held on the townsite were held by Elder Wm. G. Caples, of the Methodist Church South, under the shade of the trees on the bank of the Missouri river, near the northeast corner of the townsite and the Military Reserve line, I think on the first Sunday in August, 1854.

The first dwelling house used exclusively as such, 16x24 feet in size, was built by Jeremiah Clark, where the Carney house now stands, on the southwest corner of Walnut and Fourth streets in the fall of 1854. When Mr. Clark built the brick house, he moved his little cottonwood house across Walnut street onto the lot between the High School building and the Congregational church. That was many years before Walnut and Fourth streets were graded. Some fifteen years ago Mr. Ortman, who owned it, moved it onto the alley between Olive and Spruce streets on the south side of the alley, about half way between Fourth and Fifth streets, where it still stands.

Governor Andrew J. Reeder, the first Governor of the territory of Kansas, reached here October 7, 1854, and established the temporary seat of government at Fort Leavenworth.

The first public sale of lots in Leavenworth, as I have previously stated, was on the 9th and 10th of October, 1854. Gen. George McLane auctioneer; H. Miles Moore, secretary of the Town Company, kept the memorandum list of sales, the lots sold, and the location, lots, blocks and to whom sold, price paid for each lot and the total amount received. The highest price paid was $350 for lot three, block three, to Capt. James A. Grant, U. S. A., the lot now occupied by Catlin & Knox, wholesale boot

and shoe store on Main street. The lots upon which the hotel, stores and other buildings had been previously erected were not sold, but were set apart by the Town Company, as the first lots belonging to the shares owned or bought of the party who had built the above houses. The original map from which all the lots were sold at that sale, the memorandum of sales, all of the proceedings of the Town Company, drawings of lots, and all the books and papers of the old Town Company are still in the possession of the writer, H. Miles Moore.

The first election held in the territory of Kansas was November 29, 1854. It was for delegate to Congress. General John W. Whitfield, Pro-Slavery, was elected. About 300 true and *lawful* voters from Weston, Mo., came down on the good steamer New Lucy, Wm. Conley, Master. We reached the landing at Leavenworth about 10 o'clock A. M. and by noon all had exercised a freeman's privilege, of course for Gen. Whitfield. Judge Flenniken, the Abolition candidate, whom the Missouri boys said Gov. Reeder had brought out from Pennsylvania especially to run for Congress was not in it. He returned shortly to Pennsylvania and was no more visible to the naked eye in Kansas. The polls were held at the dining room window in the basement of the Leavenworth Hotel on the Main street side. By three o'clock P. M., the votes were all in, and the boys all tanked up, ready to go home. And the good steamer soon turned her prow up stream, bearing homeward to Weston this noble band of patriots, and able-bodied voters, subject to call at the next election.

First steamboat agent in town was James W. Skinner, who opened an office, in 1855, in a small frame house on lot 11, block 1, northeast corner of Cherokee and the Levee, on Front street. Mr. Skinner still resides here and is among our most highly respected citizens. He was a member of the city council for one or more terms from the first ward of this city, a few years ago.

The first Express company in the city was Richardson's Missouri River Express. Lewis L. Rees was local agent. Mr. Richardson was his own messenger, he traveled up and down the river on steamboats at regular intervals, about once in two weeks each way, between St. Louis and St. Joseph. He carried money packages mostly, occasionally small packages of jewelry, etc., which he could put in his small safe, which he kept in the clerk's office on the boat. It was a great accommodation to the mer-

chants and business men of the towns along the upper Missouri river, who desired to send money to St. Louis and the East, as there were no banks at these towns at that time that could issue drafts or exchange on St. Louis or eastern cities.

The first census of the town was taken September 1, 1854. There were 100 residents of the village, all males but one, "Old Aunt Beck," an old darky woman, former slave of old Ordnance-Sergeant Fleming, who lived at Fort Leavenworth. Aunt Beck lived in a tent at the time, down on Three Mile creek, on Third street, and did washing for the boys.

The first child born in the town, as we have stated in a former sketch (and only repeat it to narrate another incident in this connection) was Cora Leavenworth Kyle, daughter of Mr. and Mrs. A. T. Kyle, and grand-daughter of Uncle George Keller. She was born at the Leavenworth Hotel, December 6, 1854. She was married to James N. Allen, Esq., late Deputy Warden of the U. S. penitentiary at Fort Leavenworth. She died a few years ago highly respected and greatly beloved by a large circle of friends, leaving a devoted husband and two very interesting daughters. In connection with the above family, a pleasant incident and one long to be remembered occurred several years ago, at a reunion of the old settlers of the city, held at Odd Fellows' hall, at which Hon. Alex Caldwell presided (if I remember aright). Speeches were made by several of the old settlers. Judge Richard R. Rees (commonly called Uncle Dick Rees) read an original poem (of which I have a copy), songs were sung by a quartet from the German Singing Society, also a song by Mrs. Allen, and splendid music by the band, and a general good time all around. But the climax of the occasion was reached when there appeared upon the platform Uncle George Keller and Aunt Nancy, his wife. Mr. and Mrs. A. T. Kyle (Mrs. Kyle being the daughter of Uncle George and Aunt Nancy) and James N. Allen and Cora L., his wife (nee Cora L. Kyle) with their infant daughter, Kate, in her arms; four generations of one family. A universal shout went up from the assembled crowd, which made the Welkin ring, and all joined in singing Auld Lang Syne.

The *first bridge* built in the town was but a temporary pole bridge constructed by Russell, Majors & Waddell, across the ravine between Seventh and Broadway on Delaware street, to

enable them to reach the levee or steamboat landing with their big government freight wagons.

The *first frame bridge* was built of hewn or sawed timbers and cottonwood plank flooring and constructed across Three Mile creek on Main street, where the iron wagon and railroad bridge now stands. Bass, the murderer of the man at the spring on the river bank at foot of Osage street and the north Esplanade, was hung by the mob from a linn or basswood tree adjoining the bridge on the west side (of which hanging I may speak hereafter.)

The *first stone arch bridge* was constructed over Three Mile creek on Second street, and was washed away in the big flood of 1865, when all the bridges then constructed over Three Mile creek were washed away or destroyed. Of this destructive flood I shall speak at the proper time.

CHAPTER XXVII.

Courts and Banks in the City in Early Days.

THE first court organized in the territory of Kansas was held by Judge Samuel D. Lecompte, Chief Justice and U. S. Judge of the first judicial district of the territory of Kansas, April 19, 1855. The court was organized and the first session held in a room over J. L. Roundey's furniture store a small two-story frame building on the south side of Delaware between Second and Third streets, in block 22 on the lot where Endress' stove store stands or the next one west, where L. W. and S. E. Wheat's law office is.

The United States Surveyor General's office of the territories of Kansas and Nebraska, John Calhoun, Surveyor General, was held for several months in the spring and summer of 1855, in the old one-story cottonwood frame building still standing and occasionally occupied, on the lot next east of Endress' stove store, on the south side of Delaware street, between Second and Third streets This old shack, as it now appears, and as it is still standing, is one of the very oldest buildings in the city. It has had a great variety of occupants and a varied history. After it was vacated as the Surveyor General's office, it was occupied as a law and land office. Ex-Mayor Henry J. Adams afterwards had his bank there, then a land and loan office again, a saloon, a dwelling, a tailor shop, a retail store, etc. Since the above was written the old building has been removed.

Banks.

The first banking business done in the town was by Mr. Bailey, who opened up early in the spring of 1855, in a little one-story frame building near where the one-story brick tailor shop of old man Strubbel now stands on the north side of Delaware

street between Main and Second streets. Mr. Bailey was a timid man and his money more so. As things progressed rapidly in the summer, and the boys began to get a little gay with their guns, he thought the town was getting too rapid for him, and he soon pulled up stakes and returned to Ohio, bank and all.

The first legitimate banking business and building constructed in the city for that especial business, and no other, is still standing, although very much dilapidated. It is the little old tumble-down, one-story brick building on the alley in the rear of Martin Donovan's coal and transfer office on the northwest corner of Main and Cherokee streets. Isett, Brewster & Co., of DesMoines, Iowa, built it and owned the bank. John Kerr was the company and manager. Isett & Brewster afterwards sold out their interest in the bank to old man Lyman Scott, and it was moved up to the southeast corner of Delaware and Second streets, and became the banking house of Scott, Kerr & Co. This bank was in due time absorbed by the First National Bank, which latter bank was first located on the northeast corner of Delaware and Main streets and was principally owned and controlled during their time by Lyman Scott, Sr. and his sons Lucien Scott and Lyman Scott, Jr. Kerr sold out his interest in the Scott, Kerr & Co. bank to the Scotts and moved to Texas, and continued in the same business. The First National Bank was afterwards moved to the northeast corner of Fourth and Delaware streets, as we shall presently show.

Other banks in Leavenworth in early days. Smoot, Russel & Co. established a bank in the fall of 1855, at the southeast corner of Main and Shawnee streets, in what was then a two-story stone building—the grading of Shawnee and Main streets caused the north wall on Shawnee street and the east front on Main street to collapse. It was rebuilt of brick, as it now stands. This was one of the largest and most important private banks in point of capital, business and financial standing in the West. When Majors, Russell & Waddell's great government overland freighting interests were removed from this city, the bank was succeeded by that of J. C. Hemingrey & Co., at the same place. S. F. Johnson & Co.'s bank started about this time as a private bank in the room at the northwest corner of Main and Delaware streets, lately occupied by John N. Joerger's railroad office.

Clark & Gruber opened a bank about this time in the room now occupied by the Leavenworth Electric Street Railway Co.'s office, second door west from the southwest corner of Third and Delaware streets. This bank was afterwards merged into the Second National Bank, located a few doors east of Third and Delaware streets on the south side of the street in the room so long occupied by J. C. Douglass as a law office on lot—— block 22, city proper. The charter of this bank was afterwards surrendered to the U. S Government.

Henry J. Adams & Co.'s bank was organized in 1857 under the territorial laws and called the Leavenworth City Bank. It was a bank of issue; it was located in the late old frame, one-story building next east of Endress' stove store, south side of Delaware street, between Second and Third streets. The same building formerly occupied as Surveyor General's office of Kansas and Nebraska territories, before referred to. The bank was not a financial success and soon passed in its checks unredeemed; a number of its red-backed $2 bills are still held in this vicinity by its confiding friends as souvenirs of ill-spent investment.

The J. C. Hemingrey & Co. bank before referred to, first commenced business in a small room in a two-story frame building at the northwest corner of Main and Shawnee streets, upstairs; as business increased it was moved to a two-story frame building, next north of the present Catlin & Knox boot and shoe store, east side of Main street between Delaware and Shawnee streets, lot 4, block 3, city proper. The Catlin & Knox building was then occupied by the wholesale grocery house of C. R. Morehead & Co. After the big fire on Main street, which swept from Shawnee on the east side of Main street down to Morehead & Co.'s store, J. C. Hemingrey & Co. moved their bank to the southwest corner of Shawnee and Main streets, as before stated.

J. W. Morris bank. In 1857 Dr. Morris who had come here from DesMoines, Iowa, opened a bank in a frame building near the northwest corner of Shawnee and Second streets. Blaiser & McClauslin also had a brokers and money loaning office about the same time in a frame building on the next lot west of Dr. Morris' bank.

Eaves & Keller bank. About 1858 Eaves and Keller came here from Baltimore, Maryland, and opened a bank just north of the northeast corner of Main and Cherokee streets east side. It

only remained for a short time. It was not a financial success as a bank too much competition, although both parties remained here and entered into other lines of business.

Diefendorf, Hellen & Bliss opened up a bank or broker's and loan office in a frame building on the southwest corner of Main and Delaware streets in 1858. It flourished for awhile and then they moved to Salt Lake City, where I learn they made money dur ng the gold excitement.

C. E. Scholscoff. Many of our readers will remember this sharp, shrewd, money-making German, who had a bank and loan office on the north side of Delaware street, between Second and Third streets in 1858, and for some years afterwards. He was surely a financial success.

The Drovers bank. We were just shown a somewhat financial curiosity by Paul E. Havens, Esq., president of the Leavenworth National Bank. It was a two-dollar bill of the above bank, dated at Fort Leavenworth, with the (Ft.) stricken out, July 1, 1856, A Cowing, Pres , J. C. Sargent, Cash. If these bills were in circulation here, I do not call it to mind, nor do I remember that such a bank was located here

E. H. Gruber's bank. In 1859, if I mistake not, E. H. Gruber dissolved partnership with the Clarks, A. M. and M E., withdrew and built the three-story brick building on the southwest corner of Delaware and Main streets. The bank was in the corner room, first floor, so long occupied as the K. C., St. Joe & Council Bluffs and Burlington system of railroad offices, Geo. W. Nelles, agent, afterwards succeeded by Elliott Marshall, who after the building of the Burlington depot, corner of Fifth and Choctaw streets transferred his office to that point. The bank did a large business and made money all during the war, and for some years afterwards. Parties who ought to know, said Gruber began to fly too high for his capital. The Jennison tiger cat required more lacteal fluid than the little Jersey cow could furnish, like some others in those days, he could not bear prosperity; at all events he closed out. Len T. Smith got the building and Gruber went first to Texas and then to Colorado I learn. The building is now partially occupied by the People's Telephone and the Water Works Co.'s offices.

H. L. Newman and Paul E. Havens bank. About this time this firm opened a bank in the three-story brick building, now

called the Havens building on the northeast corner of Delaware and Third streets, where the Missouri Pacific railroad office now is. This bank was a very popular institution and did a large and successful business for a number of years. Mr. Newman desiring a larger field for his financial operations bought out Mr. Havens, and moved the bank to East St. Louis.

The Leavenworth Savings Bank. Hines & Eaves established the above bank about the close of the war. It was first opened down in the room occupied by the Water Co.'s office, next to the southwest corner of Main and Delaware streets. It was then moved to the room next west of the Leavenworth National Bank, near the southwest corner of Fourth and Delaware streets. From there it was moved to the room now occupied by M. Goldsmith as a pawn broker's office on the east side of Fourth street, between Delaware and Shawnee street, then the Missouri Valley Life Insurance building, now the Times building. This bank flourished for a number of years, but by bad management, to state it mildly, it failed ignominously, to the great injury of a large number of citizens, mostly poor people and small depositors, who could ill afford to lose their hard earned savings.

The German bank was first started by Simon Abeles and located in his building on the northwest corner of Third and Cherokee streets, then removed to the Fitzwilliam block on the corner of Fourth and Delaware, the room where Fritsche's drug store is now located. After a long and successful financial career, its assets and good will were transferred to the First National Bank. We will continue and close the subject of banks in our city in our next sketch.

CHAPTER XXVIII

Banks—Continued.

INSLEY, Shire & Co.'s bank. This bank was established in 1866, after the close of the war. It was located on the east side of Delaware street, four doors east of Fifth street, on the first floor of the Masonic building, late occupied by P. J. Freeling's trunk store. It was one of the largest and most prominent banks in the city for over twenty years. The death of Mr. Shire, and the settling of his estate compelled the transfer of the assets and good will of the bank, which was purchased by the First National Bank of this city.

The present banks of Leavenworth, (with one exception as noted below) are as follows, together with their present location:

The First National Bank, as we have previously stated, was first established by the Scotts, father and sons, Lyman, Sr., Lucien and Lyman, Jr., about the close of the war, and was located in the Carney & Stephens building, a three-story building on the northeast corner of Main and Delaware streets, as then located. The bank was in the corner room, first floor, fronting on Main street. It remained there a number of years, when it was transferred to its present location, northeast corner of Fourth and Delaware streets. Lucien Scott remained its president up to the time of his death, owning a majority of its stock, a most careful, prudent and successful bank president for over twenty-five years. Ex-Governor Morrill succeeded him as president, and was in turn succeeded by Hon. Alex Caldwell, the present president, and Amos E. Wilson, cashier.

The Second National Bank was the outgrowth of and succeeded the Clark Bros. bank, who were, with Gen. Jas. W. Stone, the principal officers and stockholders. It was chartered shortly after the war, and was located in the building on the south side

of Delaware street, a few doors east of Third street, in the room so long known as J. C. Douglas' law office. After a series of years of varied success, and the death of its first president, A. M. Clark, it surrendered its charter.

The Leavenworth National Bank. The next national bank established in our city was the Leavenworth National Bank, located at the southwest corner of Fourth and Delaware streets, first floor of the Havens building. Paul E. Havens, president, and Ed Carroll, cashier.

The Manufacturers National Bank. The next national bank, as now established in our city, is the Manufacturers National Bank, located on the northwest corner of Fifth and Delaware streets in the Manufacturers bank building, corner room. E. W. Snyder, president, and Chas. E. Snyder, cashier.

The Union Savings Bank. The fourth bank in the city is the Union Savings Bank, located on the northwest corner of Fifth and Delaware streets, formerly in the basement and immediately under and now a part of the Manufacturers National Bank.

The next bank established, (if I remember aright) was the State Savings Bank of Leavenworth, near the southeast corner of Fifth and Delaware streets. A. A. Fern, president, and E. A. Kelly, cashier.

The next bank established was the Wulfekuhler State Bank of Leavenworth, office in Wulfekuhler bank building, northwest corner of Fifth and Delaware streets. The Union Safety Deposit vaults are a part of and owned by said bank. Otto H. Wulfekuhler, president, Albert F. Wulfekuhler, cashier.

That our banks each and all of them stand in the very front rank of financial institutions in the West does not admit of a doubt. Their officers and directors are among our wealthiest, most successful business men and financiers in the city. Their affairs are conducted with honesty, prudence, discretion and fidelity to the safety and best interests of stockholders, depositors and all other parties interested. They have never failed in a single instance to respond promptly to all legal drafts upon their financial supplies. And when financial storms have swept over the land, and banking institutions in many cities of the Union have been torn from their moorings, and cast as derelicts upon the sea shore of misfortune, or swallowed up in the mael-

strom of oblivion, the present banks of Leavenworth have proudly weathered all financial storms without the loss of a single yard of canvass or a span of ratlin, and guided by the most consumate skill of their competent pilots, rode in safety into the harbor of public confidence and esteem, which they still so justly maintain.

Drug Stores.

The first drug store in the city was built and owned by Dr. Samuel Norton, who came from Weston, Mo. He was one of the original Town Company. It was first a frame building and stood on the south side of Delaware street, just east of the corner of Second and Delaware streets, and was built late in the fall of 1854. It was afterwards removed and the two-story brick building, known as the Norton building, was erected on the same site and is still standing. Dr. R. E. Allen, late of Liberty, Mo., built and occupied as a drug store about the same time, a one-story frame building on the west side of Main street, north of Delaware street, opposite the Anthony building.

Churches.

The first church in the city. I am not positive which was the first church building erected in Leavenworth. H. P. Johnson (afterwards the gallant Colonel of the Fifth Kansas Cavalry, who was killed through his daring recklessness, at Morristown, Mo., in 1861) always claimed that the little Methodist church, which he built on the northwest corner of Third and Main streets in the summer of 1855, and which was removed long years ago, was the first church building erected in town.

The first Christian church, or Campbellite church in the city. In the summer of 1855, Elder W. S. Yohe erected a small one-story, frame, Christian church building on the east side of Shawnee street, about the center of the block, between Second and Third streets. It was destroyed by fire in the fall of 1857, at the time of the great fire which had its origin in the first market-house erected in the city on the southeast corner of Delaware and Third streets. Of which fire I will speak more fully hereafter. A year or two after, the Christian congregation erected the brick building on the east side of Sixth street, between Shawnee and Seneca streets and still occupied by them.

Methodist Church South. About the same time the first above mentioned Methodist church was built, Amos Rees, Esq., one of the original Town Company, built the Methodist Church South, a one-story frame building on the north side of Choctaw street, between Second and Third streets, where the wood-work and mill machinery building and the offices of the Great Western Manufacturing Co. now stand. The erection of the office building on the east side, a year or two ago, removed the last vestige of said church building. In 1859, if I mistake not, the two-story brick Methodist church, northwest corner of Fifth and Choctaw streets was erected. For a time this was the largest, finest and most expensive church edifice in the city. About the same time the Sixth and Osage street Methodist church was built. Some years ago Mr. William Fairchild erected the Michigan Avenue Methodist church, and there are one or two other small church buildings of the same denomination in the city where services are occasionally held I believe.

The first Catholic service held in the city and also the first Catholic church built in the city. The first Catholic service was held and the first mass said, (as I remember) by Rev. Father Fish of Weston, Mo., in the early summer of 1855, at the house of Andy Quinn, on the south side of Shawnee street, east of the middle of the block on lot 29, block 23, city proper. A bureau was used as an altar for the service. The first Catholic church was built on the southwest corner of Kickapoo and Fifth streets, in the fall of 1855, where the Parochial school house now stands, by that grand old man, true and earnest Father of the church, as well as public spirited citizen and devoted Christian gentleman, whom to know was to love and admire, the Right Reverend Bishop Miege. The congregation worshipped in the old church for a number of years afterwards, until the erection of that grand cathedral, one of the most costly church edifices in the West, located on the southwest corner of Fifth and Kiowa streets. A number of other Catholic churches have since been built in the city.

The German Catholic church on the east side of Broadway, between Miami and Osage streets, the Sacred Heart church, corner of Second avenue and Prospect streets, the Church of the Holy Angels (colored) on the north side of Pottawatomie street, between Sixth and Seventh street, and the St. Casimir Polish Catholic church on South Broadway, corner of Pennsylvania Ave.

The first Presbyterian church was erected in the city on the rear of lots 31 and 32 (I think) of block 77, next west of the late Dr. J. W. Morris house, southwest corner of Sixth and Miami streets. A. McCauly, Esq., and Dr. J. G. Park were the main pillars in its construction and its earnest advocates and friends for years. Rev. A. W. Pitzer, one of the brightest lights and ablest divines in the West, was the pastor from its erection in the fall of 1855 or spring of 1856 until the summer of 1861, when he returned to his native state, Virginia, to obey the call of a devoted mother (as he put it) upon her worthy sons in all lands, to sustain by their valor, the honor and glory of the grand old commonwealth. A new church building was erected a few years after on the north side of Delaware street, near Seventh street, the present location of the First Presbyterian church. Rev. Dr. Page, pastor.

CHAPTER XXIX.

Churches Continued and Hotels.

THE Westminister Presbyterian church, sometimes called the "Rev. Backus church," as it was principally built and controlled by him, was a very nice brick church, built on the corner of West Seventh and Oak. It was not a success as a church for want of financial support, and was finally sold to the school board who occupied it for school purposes for a time, and as it was not suitable for that purpose, it was torn down and the material used in the construction of the Oak street school house.

The Second Westminister church, Rev. McReaser, pastor, was afterwards built on the north side of Walnut street, between Fourth and Fifth streets. It has been occupied as the High School building for a number of years past, until lately.

The Cumberland Presbyterian church, erected in the early 60's by George R. Hines, and one or two other friends of like persuasion, was at a later date occupied for a time by the Free Methodists. It is still standing, but hardly used for strictly religious purposes for the last fifteen years. It has been used as a saloon and billiard hall, in the rear and part of the Couch building, next west of the W. G. Hesse & Co.'s wagon repair shops on the north side of Cherokee street, sixth or seventh lot west of Fourth street.

Another Presbyterian church was the United Presbyterian church, sometimes called the Covenantier Presbyterian church, erected in 1866 in the triangle between Fifth street and Second avenue on Arch street. It was built by the Larimers, McGaheys, McNarys, McCahons, Cochrans, and other families who came from Western Pennsylvania and were very strict in their religious trusts and belief. After the older members of these families died, the younger members did not feel sufficiently interested to keep

up a separate organization, and they sold the church, and it is now occupied as a German Lutheran church.

The First Episcopal church services were held in the town in the spring of 1856 by the Right Reverend Bishop Kemper, the venerable and pious prelate of the Wisconsin Diocese. He organized the first parish in the territory here, and lay services were for a time held in the hall on the north side of Delaware street, between Second and Third streets, next west of the McCracken building. Services were then held for some years in the basement story of the stone house on Seneca street, south side, near Third street, next east of Van Tuyl's livery stable, Rev. Hiram Stone, rector. A large church was commenced on the northwest corner of Seventh and Ottawa streets, the foundation was laid, and the parsonage erected on the rear of the lot; the location was finally decided by the vestry as not desirable, and it was abandoned. Mrs. Ed Jobson now resides on the premises.

The next move was to erect a little church (which really was the first Episcopal church built in the city) in 1858 on the rear of the second lot east of the southeast corner of Fifth and Chestnut streets, where Mrs. Shoyer's residence now stands. The owner of the corner lot failed to donate it, as promised, and the title became in doubt. This location was at last abandoned, and the present site of the St. Paul's church selected, on the northeast corner of Seventh and Seneca streets. The parish also own the St. John's Chapel, northeast corner of Fifth and Arch streets.

The German Lutheran church, northwest corner of Seventh and Miami streets, was erected in 1857 or 1858, I think. The English Lutheran church was erected a year or two ago; it is situated on the northeast corner of Sixth and Spruce streets.

The First Congregational church was erected in 1859 or 1860 on the northwest corner of Fifth and Delaware streets. It was long one of the landmarks of the city. A few years ago the congregation sold the property to the Manufacturers National Bank Company and built a beautiful church on the northeast corner of Fifth and Walnut streets.

The Jewish Synagogue, southeast corner of Sixth and Osage streets, was one of the early churches erected in the city, and is still occupied as their temple of worship.

The First Baptist church is one of the largest and finest church edifices in the city. It stands on the southwest corner

of Sixth and Seneca streets. It was built in the latter sixties. Among its early distinguished clergymen were Rev. Scott and I. P. Kalloch. This church was one of the most popular churches of the city for a number of years, and its members are among the leading citizens of the town.

The first colored church building in the city was the First Methodist church on the south side of Kiowa street, between Fourth and Fifth streets. It was a large and prosperous church and was erected about 1868. The second colored church in the city was on the southwest corner of Seventh and Pottawatomie streets. It is known as the First Colored Baptist church. This church was also built in 1868 or 1869. The first building was originally a frame one, but has since been replaced by a nice brick structure. There are one or two other colored churches in the town.

The Friends or Quaker church, on Pennsylvania avenue, west of Broadway, was a brick structure, built in the early sixties, but was destroyed by fire some time ago. If they now have a place of meeting I am not advised of the location.

The Independent, or Free church, southeast corner of Seneca and Broadway, has long been occupied as a place of worship. There are a number of other churches in the city, which have not been especially mentioned in the above enumeration, but which were intended to be included in a general summary of churches under their particular denominations. It may not be out of place to refer to them by name and location.

The Fifth Avenue chapel, southwest corner of Fifth avenue and Congress. The Christian Scientists also hold their services in this chapel.

The United Brethren have a church on Tenth street, between Ottawa and Kickapoo streets.

Hotels.

The first hotel in the city, as previously stated, was the Leavenworth Hotel, built by Keller and Kyle, on the northwest corner of Main and Delaware streets. This soon came to be looked upon as a Free State or Abolition hotel, as all Free State people were called in those days in Kansas. This feeling of prejudice, of extreme southern men towards persons who came to Kansas either from the North or the South, who dared to express

or even entertain views in opposition to their radical notions on the question of slavery in Kansas were denounced as Abolitionists, and open attempts, as the history of those times show, were made to prevent Northern or even Free State immigrants from coming into the territory and to drive out by force, if necessary, those who had already located here. It was this spirit of infamous and extreme Pro-Slavery radicalism that developed itself into the organization of a company or association for the building of the old Planters' House, on the northeast corner of Main and Shawnee streets, in 1855. As our town was growing rapidly, and the Leavenworth Hotel was exceedingly limited in its capacity for entertaining the traveling public and immigrants who were pouring into the territory through the portals of our city, it was conceded by all parties interested, that a larger, more commodious and better appointed hotel ought to be constructed at once, and that if properly managed the investment would prove a paying one.

A number of the leading men of our city were consulted, and many of them promised to take stock in the new enterprise. The subscription paper was prepared and H. P. Johnson (afterwards colonel of the Fifth Kansas Cavalry, and who was killed at Morristown, Missouri) was designated to solicit subscribers. The writer of this, although he had promised to subscribe liberally, had not been consulted as to the provisions and requirements of the subscription, and when the paper was presented to him, he most positively declined and refused to subscribe one dollar to the enterprise according to its present terms and conditions. Among other things it provided "that the hotel was to be owned by Southern men and conducted on exclusive Southern principles." The writer of this insisted that if he was to have any interest or stock in the hotel any and every man, whether he was from the North or the South, Free State or Pro-Slavery who desired to stop at this hotel, if he paid his bills and conducted himself as a gentleman and so demeaned himself as a guest, was welcome.

A bitter and somewhat acrimonious colloquy ensued between them, and the result was no Free State man became a subscriber or took stock in the hotel. A splendid three-story brick building was erected, furnished and opened by Messrs. McCarty and McMeekin, the former from Independence, Missouri, and the latter from Weston, Missouri. Both were pleasant, agreeable gentle-

men and knew how to keep a hotel. It was a popular hostelry and headquarters for the Pro-Slavery party in the territory and from the South, many of whom visited Kansas in those days of extreme excitement.

CHAPTER XXX.

Hotels of the City Continued. A Few Incidents of the Old Planters' House.

AS I am writing the early history of the town, in this connection I may be excused if I give place to a few incidents which occurred in and about the old Planters' House, in early days and are a part of its history. As says the poet, "a little fun now and then, is enjoyed by the best of men." A few years ago a correspondent of the Kansas City Star called upon me and desired me to give him a few leaves from the storehouse of my memory, relative to early incidents of the above hotel which I kindly did and which in publishing the same at the time, he did not forget to give me full credit. It may not be out of place, if I repeat a portion of them at this time. I stated in a former article the conditions upon which the stock of the hotel was subscribed and who furnished it, that it continued to run on "exclusive Southern principles," that is, no known Free Soilers were received as guests, until 1857, when as I said before it was sold to Len T. Smith and Jep Rice. Col. Rice, late deceased, was one of our most highly respected citizens. Messrs. Smith and Rice were from Michigan and Free Soilers. They ran the hotel seven years and made money except during 1861, when there was a great drouth. The policy of the new proprietors was to entertain all comers, Pro-Slavery or Abolitionists, provided they paid their bills and acted like gentlemen.

When they announced their free-for-all policy they lost from both sides for a time. The Abolitionists were mad because they accepted Pro-Slavery men as guests, and the Southern sympathizers were offended because Messrs. Smith and Rice were at heart Northern Abolitionists. But the house was run in first-class style and it soon had plenty of patronage.

Abolitionist and Pro-Slavery Bartenders.

The presence of two classes of guests, each bitterly contemptuous of the other, gave rise to a unique plan of conducting a bar. The bar-room and billiard hall were in the basement and two kinds of political bartenders were on duty night and day. One was an Abolitionist, the other, of course, was Pro-Slavery, while a "free nigger," as Mr. Rice puts it, broke the ice and did a porter's work. By this method the Planters' caught the trade of both sides. When a Pro-Slavery man came in and sunk his knife down in the top of the bar and shouted, "I can lick any man born north of Mason and Dixon's line!" the drink dispenser told him that was the talk and encouraged him. A Northern radical who could whip any man south of the dividing line was encouraged in the same way by the Abolitionist. All manner of talk was acceptable, but the line was drawn, Mr. Rice says, when trouble broke. Then the offender, regardless of politics, was sent down the stone steps at the south entrance to the basement.

Lincoln Stopped There.

Many notable men were entertained at the Planters' House. Stephen A. Douglas made his Kansas territorial speech from the balcony of the hotel. Abraham Lincoln was a guest there when he came west later, but he spoke in the old Stockton hall.

While in Leavenworth a few months practicing law, William T. Sherman, afterwards the famous general, and Thomas Ewing stopped at the Planters'. One of the things, aside from getting little legal business, that disgusted General Sherman with Kansas, was the way the elections were conducted and political questions discussed around the hotel. General Sherman and Jim Williams, who prided himself on having been the colonel of the "Fighting Niggers," rescued a fugitive slave from some Missouri border ruffians, and he was convinced at once that he was not cut out for political or social leadership in Kansas, and he left soon afterwards.

Mr. Rice says that often it seemed as though there was nothing but politics in the territory, and no discussion was started that did not end at the Planters'. A like condition prevailed in regard to fights. If one was started on Fifth street it was concluded at the Planters' where a crowd would gather to see it out. In the winter, times were lively; trappers, wagon train men and people from the surrounding plains gathered in Leavenworth and elections were held on the slightest pretext, often merely for the attending excitement.

Rescue of a Fugitive Slave.

One of the most exciting incidents in the history of the Planters' House was the capture and liberation of Charley Fisher, a slave who ran away from his master in Kentucky. Fisher was employed in the Planters' House barber shop when a Pro-Slavery man who knew that he was a runaway, notified his master and the latter came on from Kentucky to take him back. Fisher was arrested under the fugitive slave law and hot blood arose at once between the Abolitionists and Southerners. The Abolitionists refused to allow Fisher to be placed in jail pending a hearing before a United States commissioner. After much parleying, it was agreed that two Abolitionists and two Pro-Slavery men should guard Fisher in a fourth story room in the Planters' house until a hearing could be had. At 1 o'clock in the morning of the first night a dozen Abolitionists entered the hotel to take Fisher away. The guards refused to give Fisher up and barricaded the door. Not to be outdone the Abolitionists battered down the door and the barricade and then Fisher refused to go with them.

There was high feeling the following day and threats were made that unless Fisher was surrendered the hotel would be burned.

The old "Kickapoo" cannon whose history and capture I will give at the proper time was brought out and placed in front of the Planters' House and unlimbered, and to protect the property, Fisher was hurried away secretly, under guard. During the recess in Fisher's hearing before the commissioner the next day, the United States marshal, Jas. MacDowell, was called to the rear of the court room and the prisoner was hustled down stairs and away in a buggy at hand for the purpose. He was not recaptured.

Captain Tough Stopped the Fight.

A notable night at the Planters' was the joint debate between Governor Ranson and Mark Parrott. Great preparation was made for it, and instead of speaking from the balcony of the hotel a special platform was put up. Mr. Rice did not like the platform idea, feeling that the lumber might be used for another purpose before the night was over. In this he was right. Parrott opened the debate and there was turbulance during his speech, which was fiery, and in closing he worked his partisans up to a high pitch. Shortly after Governor Ranson began speaking, a rush was made and the platform was broken down and torn to pieces. The doors and windows in the lower part of the hotel, or bar-room side, were smashed and a fighting mob took possession. Captain Tough, who had a record in those days as a fighter, and who was, until his death, a well known resident of Kansas City, was stopping at the hotel. Mr. Rice had asked the Captain to remain near the hotel that night, as he feared the debate might end in a "rough house." When the melee was at its height, Captain Tough, who had been sleeping in his room, slid down the banister, a pistol in one hand and a long knife in the other, and called out, "Stop instantly or I'll make this a slaughter pen." The Captain's words calmed the warriors and they left the place in haste.

During the winter of 1862 a number of officers recruiting for the Second Kansas regiment were at the hotel. Nearly every night for a week pistols and boots were stolen from their room, which was No. 27. A negro porter was finally caught in the act and it was decided to give him a bad scare by pretending to hang him. Placing a rope around the boy's neck they fastened the end to a lamp hanger and stood the boy on a table. One of the soldiers, contrary to the programme, kicked the table from under the boy, who fell nearly to the floor, stiff and unconscious. The soldiers thought that he was dead and concluded to dispose of his body under the ice in the river. Mr. Rice met them carrying the negro down stairs wrapped up in a sheet, and asked them what they had. They replied, "a dead nigger." In going down the high stone stairway on the west side of the hotel the soldiers slipped and fell and the jar brought the boy back to consciousness, thereby saving his life.

Cy Gordon.

While the war was in progress, the proprietors had much trouble with Cy Gordon's guerrillas. The river was not as wide then as now and Gordon's band would gather on the sand bar and shoot at Colonel Anthony's building and the Planters', often breaking windows. When the guerillas were around, guests were not put in the east rooms.

The Denver Tragedy.

Another wild night at the Planters' was when a mob of Leavenworth Germans tried to lynch a man named Gordon who had murdered a German in Denver. The murdered man belonged to a secret society and members of the same society in Leavenworth decided to take the law into their own hands. Gordon had been arrested by Sheriff Meadows of Denver and the officer was aboard an overland coach with his prisoner when the mob cut the traces and tried to take Gordon. Meadows resisted and finally got his prisoner back to the Planters' House where he was guarded during the night by a committee of fifty citizens.

Death of Dan Smith.

The last tragedy at the Planters', was the killing of Dan Smith, a brother of Len T. Smith, one of the proprietors of the hotel, by Lattin, on March 17, 1879. The men quarreled over a horse and began to fight. Smith used a hatchet while Lattin had a pistol. Smith was shot in the breast and Lattin was cut in two places. Lattin was a brother of a former mayor of Leavenworth. After an exciting trial he was acquitted.

But if there was occasional fighting around the hotel there was also plenty of fun. A couple of stories concerning the early day proprietors were printed in an Eastern paper about fifteen years ago. Here is the first one:

Old Time Sport.

"We landed in Leavenworth in 1866," says Colonel Weldy, of the Galena Republican, in a reminiscent way, "and secured employment with the Kansas Stage Company, whose office was under the Planters' Hotel, at that time a hostelry for your whiskers, and under the management of the big three, Jep Rice,

Len Smith and John Lamber—took second place to none in the West. As we recall that day we smile in contempt at the would-be sports of this day. Here is a sample of the way Jep Rice played them: He owned a pair of steppers that would cash for a thousand and a half any day. He harnessed them to a rig in harmony with the team and took an Eastern friend, who was his guest, for a drive to the fort. On the way back—remember this was after they had spent a few hours with the officers at the fort—Jep was bragging about the jumping qualities of his team. Said he, 'they can clear that eight rail fence (there were rail fences along the government reserve in those days) as slick as scat.'

" 'Impossible,' said his friend.

' 'Don't believe it, eh?' said Jep. 'Well I'll prove it,' and heading the team for the fence, perhaps a hundred yards distant, he plied the lash and they struck that fence at a forty mile an hour gait. The team got over; they leaped into the air and fell over, but the buggy caught at the fourth rail. A more complete wreck was never witnessed and when the men had extricated themselves, Jep turned to his companion and with characteristic coolness said, 'Well, by gosh, that is the first time they ever failed, must have had their heavy shoes on.'

'Expense cut no ice when the old Leavenworth gang started in to play a joke."

An Easterner and a Mule.

Here is the other:

"Jep owned one of the finest saddle horses in the country, but the horse could not stand the sight of a mule. One day Rice invited an Eastern friend to accompany him to the fort and mounted him on his horse while he rode another. While at the fort, Jep fixed it with the officers and when ready to start home the orderly informed him that his horse was too lame to travel.

" 'Well lend me something to ride,' said Jep. They could find nothing except a mule.

" 'That'll do,' said the joker. He told his friend to ride on slowly and he would overtake him.

"When he was well out on the road, Jep came plunging along on his mule. The horse gave one glance and almost shot out of his hide. At the first lunge the bridle reins broke and the rider

grabbed the horn of the saddle with both hands. Jep kept a coming, yelling like a Comanche.

" 'Stop, Jep!' yelled his friend; 'don't you see I've got no reins?'

" 'Don't make a bit of difference with the horse,' said Rice, he's the best saddler in the state. You don't need any reins. He'll get you there.'

"The horse passed down Shawnee street, then one of the principal business thoroughfares, on his way to the barn. Hat off, hair flying, both feet out of the stirrups, knees hugging the side, the Eastern friend was a picture. By the time he had dismounted Jep was there and with a devilish look of pride said, 'Ain't he a daisy of a saddle horse? Don't need any saddle or bridle with him.' "

CHAPTER XXXI.

Hotels of Leavenworth In Early Days—Continued.

EARLY in the spring of 1856, Keller & Kyle, having leased the old Leavenworth Hotel, Mr. Kyle returned to Weston, Mo., and opened up a grocery store there as we have previously stated. Uncle George, as we called him, having come to Kansas to stay with the boys, could not be idle, or out of an active job, it was not like his nature, so he soon had another hotel in progress of erection, a two-story frame building on the southwest corner of Shawnee and Fifth streets. It was named the Keller Hotel and was a popular resort for the Free State boys, but the location was soon dubbed "Abolition Hill" by the Pro-Slavery rabble.

In the spring of 1857, Adam Fisher, who had built and was occupying a nice two-story frame dwelling house on the northwest corner of Fifth and Delaware streets, where the Manufacturer's National Bank now stands, bought out Uncle George Keller's hotel and enlarged and improved it to double its former size and capacity by building an addition on the south side three stories in height and extending back to the alley. He changed the name to the Fisher House. Mr. Fisher kept the hotel in good style for a year or two and then leased it to a Mr. Parry, who had formerly kept a hotel at Bean's Lake, a few miles north of Weston Mo., which was a great fishing and hunting resort in early days. Mr. Parry changed the name of the hotel to the Parry House and it so remained, until it was bought by Capt. M. H. Insley and Mr. Kiser, when the name was again changed to the Mansion House, which latter name it retained until it was destroyed by a fire a number of years afterwards. The site is now occupied by the O'Donnell Block.

Shawnee Hotel. In the summer of 1856, Miles Norton, a capitalist, a brother of Dr. Norton and the father of Mrs. George

A. Eddy, and Mrs. Eph. Gregory of this city, built the Shawnee House on the two lots next west of the alley on the north side of Shawnee street, between Main and Second streets. That was a hill before Shawnee street was graded down some 18 to 20 feet. Messrs. Wm. Ferrell and E. L. Berthoud, his son-in-law, a civil engineer, who afterwards went to Colorado and became quite celebrated as the discoverer of a new pass through the Rocky Mountains, known as "Berthoud's Pass." The Shawnee Hotel was kept in first-class style and was very popular with the more moderate Pro-Slavery people and the liberal Free State citizens. It was a rival in popularity to the Planters' House. The writer of this was married in the parlors of the Shawnee Hotel, September 15, 1857.

The grading of Shawnee street some years afterwards, left the hotel perched on a hill, and that incident shortly ended its career as a hotel, and the grading of the lots finished it. Part of the hotel was standing twenty-five years after the above marriage of the writer. On the 15th day of September, 1882, he and his wife went and stood beneath the same arch, between the parlors, where they stood twenty-five years before, the evening they were married. Most of the old hotel has been destroyed by fire, but a small portion of it, two or three rooms, is still standing next east of McNally's transfer stable.

The Rennick House. The name of this hotel was afterwards changed to the Brevort House. It was built in 1857 on the southwest corner of Main and Seneca streets, a large three-story frame house, well arranged and convenient, and while it did not equal in style or its general appointments or prices charged its patrons, it was well kept, a popular hotel and a generous rival of the Planters' House with the traveling public and citizens generally. It was principally owned, and for a number of years kept by Dr. Rennick, for whom it was named. In course of time its ownership changed, it was remodeled and rehabilitated, and the name changed to the Brevort House, and it became more of a family hotel. The postoffice, when old man Schroeder was made postmaster under President Buchanan, was moved into a brick building adjoining on the south. The upper stories were used as a part of the hotel. It was finally destroyed by a disastrous fire which swept from Seneca street down Main street,

almost to Shawnee street. A number of valuable buildings were burned, none of which were rebuilt, and that half of the block is still unoccupied.

The Woodward House. This house was built in 1858 or 1859 on the northeast corner of Fourth and Seneca streets. Its name was afterwards changed to the Morris House and again changed and now known as the Washington House. Of late years it has been kept more as a first-class boarding house than as a hotel for transient customers.

The Pennsylvania House. The original hotel of this name was built in the fall of 1856, or spring of 1857, on the northwest corner of Main and Cherokee streets, and was burned down in the fire which swept from Delaware to Cherokee street on the west side of Main street. A house by the same name was afterwards built on the north side of Shawnee street, between Second and Third streets, on the present site of the Wilkins Hotel, or the adjoining lot on the east. It was kept by old man Baker and was quite a popular hotel and boarding house in those early days.

The Pittsburg House. Another of the old timers that flourished in those days, was built on the third lot south of the southwest corner of Cherokee street and the Levee or Front street, and adjoining that renowned spot in ancient days, as one of the rallying points dear to the boys of the Second ward, the umbrageous shade of "Shugarues Retreat and Grove." composed of two stunted cottonwoods and a leafless sycamore. The relentless march of progress and the iron grasp of railroads have laid waste these poetic scenes of beauty and hushed the song of revelry and mirth. Naught is now heard in those sacred precincts but the discordant clang of bells and the scream of passing locomotives. The busy freight sheds of the Union Pacific railway cover the lovely spot once dedicated to Bachus and his royal retainers. The Palace of Shugarue and the Hotel de Pittsburg, presided over by that gay old cavalier, Pap Hancock, are among the things that were, the days of their glory have long since passed away.

The Merchants' Hotel. This hotel was built in the summer of 1858 by one of the most enterprising, hustling business men of those early days of our town. Adam Fisher erected not less than eight or ten first-class (for those days) business, dwelling houses

and hotels in this city from 1854 to 1861, when he entered the Union army and enlisted for the war. The Merchants' Hotel is still standing, although it has not been occupied as a hotel for a number of years past. It is situated on the south side of Cherokee street, next to the alley between Main and Second streets. For a number of years it was used as the office and store-room of the Union Stove Foundry, and lately as a store-room together with the foundry building as a store and warehouse of the Helmers Furniture Manufacturing Company. It was a very respectable building, three stories in height of brick, 25 by 120 feet. Mr. Fisher occupied it as a hotel for a number of years.

The St. Lawrence Hotel. This was another of the old settlers built in 1857 or 1858 on the southeast corner of Second and Choctaw streets. Old man Valient kept it as a boarding house for a good many years. It was removed some fifteen or eighteen years ago and in its place was erected a portion of the building of the Great Western Stove Works.

Harmony Hall and Hotel. Situated on the northeast corner of Second and Choctaw streets, where the Union Stove Works building stands now, occupied by the Helmers Manufacturing Company as a warehouse. The hotel part was built and occupied in 1855 by the old Swiss, Jean-de-arms, commonly called "Old Shon Down," for short by the boys. I never heard any other name for him, although I knew him well as a denizen of Hell's half acre on the Levee in Weston, Missouri, for twenty-five years there and here. He was a royal old duck, of the quack variety, shrewd, cunning, artful in his way, unscrupulous, put ducats in his purse at all hazzards sort of a cyclops. His hotel, or more properly boarding house, always overflowed with a merchantable class of boarders, whose voting privileges old "Shon," with an eye to the main chance, was ever ready, at election times, to barter and guarantee to deliver the goods or no pay, cash on delivery, to the highest political bidder. The candidate, party or principle cut no ice in this mendacious business transaction with him, all he wanted was the largest revenue from the deal. The sheckels were deposited at so much a head, ballots handed out. The venal hirelings approached the voting booth in two or three squads at different times, lined up in military style by the old buck, tolled off, tally kept as they exercised a freeman's privilege, a glass of beer before they started, and one on their re-

turn, fully satisfied all their personal interests in the matter. Old "Shon Down" pocketed the mint drops, and the deal was closed, until next opening day, six months hence. So wagged the election world in those free and easy days. Times were prosperous, money was plentiful, and old "Shon" was soon able to add a large frame building in the rear of his hotel, two stories in height, 24x75 feet in length, dining room and kitchen below and dance hall above; and this was "Harmony Hall," where the lads and lassies from the faderland, often met and whiled away many a pleasant hour in the waltz and gallop to the soul-inspiring music of old man "Whitehair's nice little German Band," with a big bum-bum. Alas, alack, a day. Fire, that fell destroyer, one unlucky night swooped down upon poor old "Shons" palace and hall-de-joy and naught was left to mark the spot but a few foundation stones. "Sie transit gloria mundi." Old "Shon" and his son-in-law, John Jordan soon gathered up the frayed out webb and woof of their fortune and with their families retired to the knobs and hills of Platte county, Missouri and bought a woodland farm, where they flourished for a season hauling wood to the city. Some years ago the whole outfit crossed the "divide," except the widow Jordan and one or two children.

CHAPTER XXXII.

Early Hotels and Boarding Houses of the City—Continued.

"POOR Jake's House." Another interesting old timer was "Poor Jake's House," so called, situated on the southeast corner of Main and Choctaw streets, opposite the present Union Pacific ra lroad freight office and warehouse. Old man Jacob Stroble built and kept the house for a number of years. He was one of the city dads for two years and a nice old specimen of the genius law giver he was too, so Dutchy with beer and bologna sausage he could not see well after four o'clock p. m., but batted his eyes like a toad catching flies, nor could he speak a dozen words of English when first elected an alderman from the Second ward. His nomination was looked upon as a good joke, but Jake was in dead earnest, and when the ballots were counted out, old Jake was at the front with both pedals, he passed under the wire a neck ahead.

Jake kept a daisy of a hotel for a time; it was a sort of double ender, with two fronts. The east one on the Levee, with a gatling gun attachment and the west one on Main street with a long tom extension, with an open piazza on the south side, above and below mounted with rapid firing guns and a retreat on the north by the basement, onto Choctaw street. But death, as it is said, claims a shining mark. One of its darts, one day or night, (I forgot which) struck the old snoozer betwixt midships, he passed in his chips and a great light was suddenly snuffed out. The hotel soon ceased to flourish as such, became a resort of a low order, and eventually the building was removed.

The Railroad Hotel. Another hotel of no small or mean pretentions in its day and well kept and popular with the railroad people in those days was called by the above name, owned and kept by Dougherty & McCrystal, near the southwest corner

of Walnut and Main streets, fronting the old passenger and freight railroad depot As old Col. Peter McFarland, the great wit and humorist, used to say, in those days when in one of his happy moods, "lets go down to the Patch and see our old friends Dougherty and McCrystal whose Ducal Palace stands on the banks of the 'Blue Shannon.' " The Patch, as the Colonel called it, was bounded on the north by Three Mile creek, on the east by Main street, on the south by the "Blue Shannon" and on the west by Second street. The "Blue Shannon," as he called it, is a little muddy stream meandering down a ravine which has its rise near Fourth avenue and Spruce street, crosses Sixth back of the English Lutheran church, and like the Rhine, was in those days, fed by numerous crystal springs from whose limpid fountains the old Frenchman, Arlaud, supplied the denizens of South Leavenworth for years with pure spring water at so much a barrel. This was long before the modern days of waterworks. Thus, by numerous springs increased in volume, the little stream flowed on through Ireland, passed the calf pen of Mrs. Ryan, the pig stye of O'Brien, and the beautiful goose pasture of Mother Cavenaugh, from Shugarue to Donahue it crossed in a stone culvert under Second street, flowed past the Ducal Palace, above mentioned, and mingled its pearly flood with the murky waters of the Missouri. The Patch, above referred to, is now occupied by the numerous tracks, turntables and round houses of the Union Pacific railway. Most of the former dwellings and stores with wh ch it was occupied have long since passed away. It was the busiest business spot in the city in the days of which we write.

The Leavenworth House. The Second ward was prolific in hotels in those early days. Some of them are still standing and flourishing, but not in all their pristine glory and purity. The above hotel was first opened and owned by Michael Pryzyblowicz, afterwards for many years the proprietor and mine genial host of the Continental Hotel, the name having since been changed to the Hotel Imperial, on the northwest corner of Fourth and Cherokee streets. Mike kept the Leavenworth House for a time, and sold it to John Wiseman. It did a large business and was very popular for years, but of late, since Wiseman left it, it has declined.

The Commercial Hotel, situated next door east of the above hotel, so long owned and kept by Emil Wetzel and now by his

widow, still flourishes in all its former German boarding house purity and grandeur. They are both located on the north side of Cherokee street, between Second and Third streets being numbers 216 and 218 Cherokee.

The Second Ward House, immediately opposite, across the street from the Commercial Hotel, on the south side, for years and years long agone, flourished with great success. The Second Ward House, the lordly domicile of Hon. William Cranston, whose political coat was like Joseph's of old, of many colors, was a political "Joe Dandy" indeed, at one time a bright and shining light in the alderman's firmament of the city. But like other great men in those days, he burned the candle at both ends, and it in time flashed out, and when the tallow dip went out, the hotel soon closed up.

McCarthy Hotel. But the spot dear to every true Irish heart, especially those lads of the Second ward, was honest old Timothy McCarthy's Hotel. It stood on a piece of the "ould dart," a bog of the green isle. The shamrock and the black thorn flourished there. It was the rallying point for the gay lads from Limerick and Cork, the jolly boys from Dublintown and the Lakes of Killarney, the Douglas peddler from Galway and the driver of the little black steers from Kerry; all were welcome to drink a flowing poteen of genuine old "Tamarack," McCarthy's best brew, and smoke a Dudeen with jolly old man McCarthy. The polls of the Second ward were always held there in those days; and the slogan was "Dinman and Liberty." "Tim Shugarue and Victory." A Democratic convention for either city or county would not be properly represented from the Second ward, for over twenty years prior to his death, that did not have Tim McCarthy's name at the head of the delegation. But all things earthly have an end, and so did, in due time, the Hotel McCarthy; it closed as its jolly old boniface had crossed the dark river to the better land.

St. George Hotel. Another old land mark of early days, rich in memories of the past, the old St. George Hotel, which for many years occupied the rear hundred feet fronting east of the lot in the northwest corner of Second and Delaware streets. It was perhaps more of a German than an English or American hotel. Its proprietor was a German, and the prevailing language spoken among its employes, visitors and patrons was the lan-

guage of the faderland. All were, however, welcome to share its genuine hospitality and the pleasant and bountiful environments of a first-class and liberal hostelry, clean and well kept. Among the early settlers the name of genial Dr. Knoph and Col. Haberline, each editor in turn of the German Free Press. Col. Hass and other kindred spirits, oftentimes resorted there to while away a pleasant hour in social converse and merry song over a foaming bowl of pure Gambrinus nectar, fit drink for the "Gods on Olympus golden heights." But all these scenes and their actors have long since passed away together with the old hotel which finally gave up the ghost under the incubus of a "Douglas tax title." Naught now remains to mark the hallowed spot but a fleeting memory of other and better days, and a yawning sepulchre of blasted hopes and fond remembrances.

The Balensloe House. In passing in review these old land marks, I must not overlook one, that in other days long since passed, loomed up in all its martial grandeur, as the pole star of the Fourth ward, the long to be remembered and fondly cherished Balensloe House. The baronical castle of that warrior and statesman, Capt. John J. Murphy, situated on the northwest corner of Seventh and Kickapoo streets. Of the days of which we speak, this castle was to the lads of the Fourth ward, similar in like respects to McCarthy's Hotel in the Second ward. The rallying spot for the clan from the "Ould Sod," to meet and regulate the political affairs of that ward, a sort of Tammany Hall, and Capt. John was the big chief, tried and true, and whenever duty called him to a seat in the council of the city fathers, he was always at the fore.

Among his other special qualifications, he was an economic statesman of rare ability, in that behalf, we call to mind an instance that occurred while he was a member of that illustrious body of combined wisdom, and old Jake Stroble and some of equal calibre, were also stars of the first magnitude in that galaxy of great lights. The subject of the building of a new city jail was under discussion; Capt. John J. arose in his place and said: "Mr. Mayor and gintlemen of the Council, I am decidedly in favor of building a new jail at once, and to save money and time, I move (if I can get a second to my motion) that we build the new jail on the present site of the ould jail, and that we use the bricks of the ould jail to build the new jail, and that we leave the ould jail

standing while we build the new one; and that we let my friend, Michael Jordan have the contract to build the new jail and Councilman Hon. Jacob Stroble will second my motion." It is hardly necessary to state that the motion did not pass in that shape. The old hotel still stands, although the gallant captain has long since passed to the rear. There may have been other hotels of early days in the city which have escaped our memory, if so, it is simply an oversight. Of course we are not speaking of the hotels in our city at the present day.

BIRDSEYE VIEW OF LEAVENWORTH AND MISSOURI RIVER 1857-1858

CHAPTER XXXIII.

The Newspapers of Leavenworth.

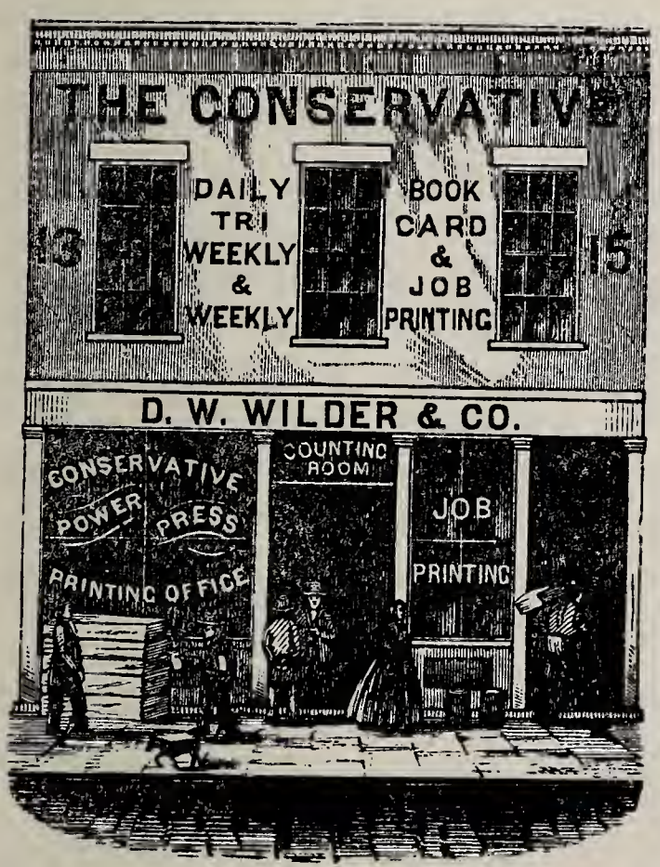
THE newspaper enterprise in Leavenworth, since its first settlement, has perhaps been the most remarkable of any city in the West. The first paper started in town (as we stated before) was the Kansas Herald. It was originally owned and published by William H. Adams. About six weeks after its first publication, Gen. L. J. Eastin purchased an interest in the same and became its editor. He was a gentleman of superior ability in the newspaper business. He was engaged in the same business in Chillicothe and Glasgow, Missouri, until his death, about ten years ago. As an editor he ranked second to none in the West. He was a sociable and agreeable gentleman with all. The Herald was intensely and consistently Pro-Slavery in its politics during the early troubles in this state. It afterwards passed into the hands of W. H. Fane, United States marshal, with Maj. C. W. Helm as editor; then R. C. Satterlee, who was afterwards killed in the city. It was then merged in the Inquirer, edited by B. B. Taylor, and in October, 1861, it was destroyed by a mob.

The next paper started was the Territorial Register, National Democratic, owned and published by Severe & Delahay, in the frame building next east of the late Tanner's apple depot, on the south side of Delaware street, between Second and Third streets. It was afterwards moved to the southeast corner of Second and Cherokee streets, upstairs. Colonel, late Judge M. W. Delahay, was the editor. It was strongly Free State, with conservative tendencies. After a lively existence of a few months, it was buried in the Missouri river on the night of the 22nd of December, 1855, by the Kickapoo Rangers, a company of men from that town. The next paper published in the town was the Journal, which started as a conservative, moderate Pro-Slavery journal, edited by Col. S. S. Goode, a gentle-

man of fine abilities. It was not a paying investment from the start, as it was opposed to the Herald and its friends. Col. Jack Henderson edited it for a short time. After a short and rather sickly existence, pecuniarily, it passed into oblivion as a temporary evening paper. About this time Gen. Geo. W. McLane started the Young America, independent in politics, but inclined to Free State. It was one of the liveliest papers ever published in the West; as McLane said, it was "red hot." It had its day, and was finally merged into the Daily Ledger, the first daily published west of St. Louis, September 1, 1857. But all good things on earth have an end, and so the Ledger gave up the ghost and was buried with its brothers; it died game, and fell with its feet to the foe. The next paper published here, if we mistake not, was the Weekly Times, which was started in the summer of 1857, owned first by a stock company, and edited by Judge Robert Crozier. It then passed into the hands of Vaughan & Bartlett, and edited, in part, by David Baily, Esq.; afterwards by old Col. J. C. Vaughan and his son, Gen. Champion Vaughan. It was decidedly Free State from the start, and wielded a powerful influence, as it was ably and fearlessly edited. The first number of the Daily Times was issued February 15, 1858. It is still in existence, having swallowed up two or three other papers. Its late editor and proprietor was Col. D. R. Anthony, a man of indomitable energy and pluck, now deceased. There was no such word as fail in the Colonel's composition. The Times is now owned and edited by his son, D. R. Anthony Jr., and is, without doubt, the ablest, as it is the leading, Republican paper in the state.

The first German paper was started here in 1858. In a short time Dr. Kopph purchased the paper and started the Kansas Zeitung. The doctor was a writer of no ordinary ability. After his death, Major Haberlein, one of the ablest and most versatile German writers in the West, in 1869 started the Frie Presse. After his decease the mantle of their worthy father rested with honor upon the shoulders of his noble and energetic sons, who continued the publication of the paper with credit and ability. In the spring of 1859, Frank Barcly edited and published for a short time in this city, a French paper. Its name, if we mistake not was The State of Kansas. It was not a success, pecuniarily, although edited with considerable ability.

The next paper started after Dr. Kopph's German paper, was we believe, the Evening Bulletin. This paper was Republican in politics, but in opposition to the Times. It was first owned by a stock company, and then passed into the possession of Colonel Anthony, who afterwards merged it into the Conservative, which was also a Republican paper, started about the same time as the Bulletin, and also in opposition somewhat to the Times, which was not radical enough to suit the wants of a certain class of politicians.



The Conservative was started and edited by that brilliant and caustic writer, D. W. Wilder, formerly auditor of the state of Kansas, and author of the "Annals of Kansas," now a resident of Hiawatha, Kan. Mr. Wilder continued the publication of the Conservative till he was elected auditor, as above stated, when he sold it out to Colonel D. R. Anthony, who published it in connection with the Times, as the Times and Conservative. About the time of the first publication of the Bulletin (the precise date is not material) Prescott & Hume commenced the publication of the Leavenworth Commercial, a daily and weekly journal, and Democratic in politics. This paper was also ably edited and soon became the leading Democratic organ west of St. Louis. Mr. Hume, late of the Journal, a genial and able writer, sold out his interest in the paper to his partner, who continued its publication about three years longer, when he sold it to Colonel D. W. Houston, who changed it into a Republican paper and continued to run it about eighteen months, when he sold it to Colonel Roberts, of Oskaloosa, Kansas, who, after running it a few weeks, gave it into the hands of Clark, Tillotson & Legate, and from whom, in a very short time, it was taken by

Colonel Anthony, who published it a few months as an evening paper. Thus Colonel Anthony has finally swallowed up four newspapers in succession, which would surfeit any ordinary man, but the Colonel appeared to thrive on newspaper diet. The Evening Call was also started shortly after the demise of the Bulletin, by J. C. Clark & Co., and was a live paper from the start. It was suspended, when Clark & Co. bought into the Commercial. The Daily Appeal, published by Emery & Co., was started about this time, and continued as a lively little evening sheet until changed into a weekly. On the twenty-second of August, 1877, J. Edward Ewing (as conductor), and Frank Hall (as engineer), bought out, and published the Weekly Appeal as an independent paper. Dr. J. J. Crook started the weekly about 1866. It was a fair paper, but limited in circulation. The doctor issued a daily evening edition a few weeks and then closed up entirely.

About 1875 a temperance paper was started here, but not meeting with success, was transferred to Lawrence. The Kansas Farmer was published here at one time, edited by Capt. George T. Anthony, late Governor of the state of Kansas.

The Home Record, a small but interesting paper, published in the interest of the "Home of the Friendless," is a monthly journal, and makes a very creditable appearance. The ladies in charge of that institution are responsible for its contents.

The Daily Public Press, a spirited evening paper, commenced its first issue about six months after, Dr. H. B. Horn, editor; Ferd. J. Wendell, manager. In due time it gave up the ghost.

The Evening Commercial was revived a few months, as a Democratic paper, by H. M. Moore as editor, and —— Talbot as manager. Although a good paper, it suspended for want of means to purchase the telegraphic franchise, only $6,000. The next venture in the newspaper world in Leavenworth (except the few issues of the Kansan, changed to the Cosmopolitan, by Louis Weil, a few weeks after) was the Evening Ledger. The first number was published on the 17th of October, 1877, by Frank Hall and J. W. Remington. It was a spicy little sheet, of the Democratic persuasion. It passed over the divide like so many of its predecessors and was buried in the tomb of the Capulets never more to be resurrected even by Gabriel's horn on Resurrection morn.

The next newspaper venture, if I remember aright, was the Daily Standard. Was brought here by Ex-Senator Ross under the auspices of a syndicate of leading Democrats of this city, and established in 1870, with Senator Ross as editor and Frank T. Lynch as manager. It flourished for about ten or twelve years and was ably edited and managed and for a time exerted a large and powerful influence in the city and state. It was consolidated with the Daily Evening Press and issued as a morning paper. After a time Senator Ross moved to New Mexico and Frank Lynch became its editor and part proprietor. Mr. Lynch died very suddenly, and shortly after, Col. D. R. Anthony succeeded in getting possession of a majority of the stock and moved it over to the Times office building, when Fred Steer undertook to run it as an evening paper under the wing of the Times. It was not a success and soon gave up the ghost. Before its final demise, a syndicate had established another daily paper, called the Chronicle with R. M. Ruggles, as editor. For a time it flourished like a green bay tree, it was ably edited and red hot politically and sometimes personally. In time its management became too expensive for its income and Col. Anthony getting control of a majority of its stock, turned its toes up to the daisies. Sometime prior to the last above episode the Tribune, a German weekly paper had been started by Capt. Metcham, or perhaps it was a revival or continuation of a former German paper; it was a success from the start, as the large number of intelligent Germans in this city and vicinity rendered its publication practicable and remunerative. It was finally purchased by Mr. Kuranor who is now publishing it in this city. It is an excellent paper, ably edited and has a good circulation. On the demise of the Chronicle, N. B. Perry, the city editor of that paper, and for years previous employed in like capacity on the Standard, established the Union, an independent journal, strongly favoring the cause of labor unions. Mr. Perry was an able and versatile writer, popular, outspoken in what he believed to be for the best interests of the city and the people generally. He died very suddenly a few months ago and with his decease the paper was discontinued.

The Labor Review, the organ and official paper of Trades and Labor Council and affiliated Trades Union. It was started in 1902, It is published by Geo. Davis under the auspices of

the above council, and edited by J. F. Conner, Esq. As its name indicates, it is devoted almost exclusively to the cause of labor and the upbuilding of labor unions in this city and throughout the country. It is ably edited and a strong exponent of the best interests of the laboring man and woman and a strenuous advocate of the labor unions, and bitterly opposed to what it is pleased to call scab labor. It is liberally patronized and it is to say it has come to stay.

The Kansas Churchman. The official organ, (if I may be allowed the expression in reference to a solely religious newspaper) of the Episcopal Bishop of the diocese of Kansas, at all events it is the representative of the church's best interests in Kansas and the West. It is at present published in the city, and edited by the Rev. F. U. Atkin, the gifted and popular rector of St. Paul's Episcopal church. Although it is in its thirty-second volume, it has not been published or edited here only a year or two past, since Rev. Atkin took charge of it. He has imparted to it a portion of his own energy and ability, in other words it has been born again, and is now one of the best, if not the very best and most readable religious journal published in the West.

The next newspaper venture was the Advertiser published for a short time by Capt. McMechan of the German Printing Co. In due time Fred Jameson purchased it, and changed the name to the Western Life, and truly its name was well chosen, for from the issuing of its initial number, it has been a live paper. It espoused the cause of the tax payers as against the tax dodgers, from the start. Its editor wields a trenchant pen, at times it burns and blisters with vitriolic fire, as it claims in the best interests of the whole people. It is very popular with the farmers throughout the county. From a small beginning it has increased its circulation from a few hundred to several thousand and now has a circulation not exceeded by any weekly newspaper in the state and steadily increasing. It simply shows what energy and push will do when applied to a live newspaper.

The last newspaper venture is the Leavenworth Post, a daily evening paper published by Jameson and Reid, late of Topeka, at the Western Life's office. It would seem if properly and judiciously managed and discreetly edited, it ought to fill (so to speak) a long felt newspaper want, as there has been but one daily paper published in our city for a long time and that

the Leavenworth Times. It would seem that a daily evening paper ought and no doubt will succeed. It is well equipped with new type, presses, linotype and all the requirements of the best newspapers in the state. It has also secured the Associated Press dispatches, so essential to the success of any daily newspaper. We learn it can command abundant capital for all its requirements.

CHAPTER XXXIV.

Breweries in the City in Early Days.

THE first brewery established in the city was built in the fall of 1855 or spring of 1856 by Fritzlen & Mundee, under the bluff of the South Esplanade about half the distance from the north to the south end of the Esplanade near the river. It was a two-story stone building about 30x75 feet, boiler house attached with a large vault for storing the beer in the rear under the hill, cut out of the solid rock, a portion of the vault can still be seen. Previous to the erection of this brewery most of the beer consumed in the town and vicinity was brought here from Georgians' Brewery at Weston, Mo., and large quantities of Weston beer continued to be consumed here up to 1861. Fritzlen & Mundee continued to run their brewery for a number of years, then sold out the machinery and it was turned into Wilhite's Flouring Mill, of which I shall speak at another time.

Kuntz Brewery. The next brewery, if I mistake not, was Kuntz Brewery. This was no doubt the largest in the city, it was erected under the bluff along Three Mile creek on the south side next to what is now Fourth street. The approach to it was from Fifth street along under the bluff where the brewery proper stood. The large square stone house on the hill above was occupied by the family of Mr. Kuntz, who lived in the west side and the east half was used as a malt house. In the five immense stone vaults or cellars blasted out of the solid rock and extending over one hundred feet into the hill to the alley south of the stone building, in which was stored the beer, in immense tubs and tierces ready to be drawn off into barrels and kegs when properly ripe. The vaults are each some 15 to 20 feet in width and 10 to 12 feet in height. They are all connected by tunnels, and living springs of the purest water flow through them.

A beautiful grove stood on the slope of the hill, with seats arranged, and almost every evening an excellent band discoursed sweet and enlivening music from the balcony above. It was a favorite place of resort for many of our best citizens during the warm and sultry evenings of the summer months. Old man Joseph Kuntz died and his widow in time, married his nephew, Charles Kuntz, who lacked the skill to manufacture and the financial ability to manage the business. He sought to branch out too rapidly as the building of the big store and malt house on the north side of Choctaw street between Main street and the Levee, now occupied by the Union Pacific railroad as a freight office, fully showed, expenses were heavy, competition was strong, Charlie carried too much sail for the breeze, debts accumulated and he was driven on a lee shore. The property was seized by creditors and the magnificent business destroyed. Wm. Ferrell, Esq., eventually bought the property. It has the finest and best equipped natural cold storage fruit vaults and cellars in the western country. E. G. and O. W. Rothenberger now occupy the place as a flour and grain store.

I may not give the following breweries in their exact order as they were built and flourished for a time and all passed away. One million of dollars is a very low estimate to place upon the vast amount of money expended in the construction and operation of the several breweries that have been built in this city since the first one was constructed up to the present time. The next brewery was the John Grund Brewery, built on the present site of Chickering Hall on the south side of Delaware street near the corner of Sixth street. Henry Foot, Esq., one of the capitalists and most enterprising citizens of the town joined forces and capital with Mr. Grund in 1857 and erected a large plant at the above location and expended a large amount of money in the enterprise. The brewery proper was of brick 48x125 feet, two stories high with additions, boiler house, etc. Underneath the entire building was a large cellar six feet in depth and still beneath that was a sub-cellar of the same size and depth for the storing of beer in reservoirs and huge tanks from which it was drawn off in barrels and kegs as required in trade. Both of these cellars were walled up with heavy masonry floors of concrete and all cemented in the strongest and best possible manner, no expense was spared to perfect this great work. In a few years it

was all abandoned and a new location sought, owing it was said, to the fact that the beer did not ripen properly or did not retain its rich bouquet as required when brought to the surface for sale, cellars not of proper and even temperature, or not properly ventilated, or water used not as pure as it should be, causes and effects fully understood and appreciated by brewers, at all events they moved. They first bought out the little Cannon Brewery as it was called, which had been built by an old German (I forget his name now) about that time, over on the hill on Lawrence avenue, south of Spruce street and west of Washington Garden in what is now Stockton's sub-division. He had a little brewery on the west side of the avenue near the ravine with a cellar running under the hill and street. This they purchased with a tract of land on the east side of the avenue opposite, and erected a large stone building some 75x100 feet three stories with basement and a large vault or cellar on the east under the hill for the storage of beer. To procure pure water they laid wooden pipes under ground from the brewery southwest along the streets and highways to springs at the foot of Pilot Knob Hill below where the reservoir of the Water Works company now stands, more than a mile distant from the brewery. All these improvements cost large sums of money. For a time the enterprise was a success, but the hard times of 1859 and the war of 1861 came on, the firm had borrowed money largely of Lucien Scott, president of the First National Bank, they could not pay principal or interest and of course went by the board and the brewery was closed. Grund went to Denver, and Foot to Pagosa Springs, Colorado; both died a few years ago. The brewery was in due course of time abandoned and dismanteled and all that remains to mark the spot, is the four stone walls of the big building and a few tumble down sheds on the opposite side of the street and a tunnel under the same.

Sometime in 1857, Keim & Werhle started a small brewery on or near the northeast corner of Sixth and Choctaw streets where Kelly & Lyle's New Era Flouring Mill now stands. Their capital was limited at first, but as they were both hard working, ndustrious men and practical brewers, they made good beer and prospered for a number of years. The war came on, times were a little dull, and "big Frank Werhle" as he was called, was among the first to enlist in the Second Kansas Vol. Inf. He was a good

and brave soldier, served out his time and was honorably discharged at the close of the war and returned to his home. In the meantime his partner had kept the brewery pot boiling slowly. Frank came to his assistance; times were good after the war for a few years and they pushed the business with increased vigor, both were popular and they made good beer and business was prosperous. But alas poor Frank, although a large and apparently very robust and healthy man, the seeds of a fatal disease were implanted in his system during his four years' service for his country, in marching by day and by night, by exposure in camp and upon the battle field, young, patriotic, brave and vigorous, gave no heed to health or its prudential care, like many other gallant and noble young man who went forth in response to his country's call he returned with his system fully impregnated with the miasma and malaria of the swamps and low grounds of the southland. Time and proper want of care of himself ere long developed the fatal disease and he laid down to rise no more, his old soldier friends and many others gathered to consign his body to the silent tomb. After Frank's death the business did not seem to prosper as well. Mr. Keim sold out and moved the brewery what there was left of it out to block "T. E.," west of Eleventh and adjoining Cherokee street on the south in Central sub-division. Part of the block is now used as a "garden." The brewery never amounted to much there and finally entirely collapsed.

In 1858 David Block and John Brandon started a Soda Water Factory on the southeast corner of Second and Kiowa streets. This was a new enterprise and flourished with great success. In 1862 M. Kirmeyer bought out Mr. Block's interest in the above works and they enlarged the plant and turned it into a brewery. A large capital was invested and the company prospered and made money for a number of years, until the "Prohibition folly" supplimented by the "Murray Bill" and the "Metropolitan Police Law" became rampant. They closed down for awhile and suspended further manufacture. A few years ago a fire nearly destroyed the old brewery. Since then John Brandon and George Beal have started a brewery on the north side of Kickapoo street between Main and Second streets. Quite a capital is invested and they are said to be making beer of an excellent quality and doing a good business. This is the last and only

brewery in the city. There are several agencies here for the sale of Milwaukee, St. Louis, Kansas City and Weston beer, all doing well.

CHAPTER XXXV.

Flour Mills and Other Mills.

THE first flour mill erected in the town was built in 1857 by Earle & Bunbing, on the northwest corner of Main and Short streets. It was a brick structure two stories in height, 45x100 feet with additions. This was before the days of the roller-mills. There were three or four sets of burrs in the mill with all the necessary machinery and bolts for making first-class flour, which they did. Prior to that time all the flour used in the town and vicinity was brought here from Weston and Platte City, Mo., or shipped here from St. Louis by steamboat. Owing to the scarcity of wheat raised in this vicinity at that time and the large capital required to compete successfully with the mills in Missouri near here and also with the flour shipped in here from points below, the mill failed to prove a paying investment. The machinery was removed and the milling business abandoned by the promoters of the enterprise. The mill building was then occupied for a series of years by Woods & Abernathy as a furniture factory. This was probably the commencement or foundation of that immense business which has been so successfully developed, and is still carried on here, for the past thirty-five years by that energetic and among the foremost of our enterprising and successful pioneer manufacturer's Col. J. L. Abernathy. Their business rapidly increasing, the firm was obliged to seek a new location w th more room to build and operate a larger plant, which they did on the northwest corner of Second and Seneca streets. The old mill building remained vacant for some years, until it was fitted up as a dwelling house and was occupied for a number of years as a "*maison de joie.*" It again became vacant, and when the Missouri Valley Bridge and Iron Works, were located here,

A. J. Tullock, Esq., the proprietor, occupied it as the office of his extensive works for some ten or fifteen years, till he removed his office to its present location in the Union passenger railroad depot, fronting on Main street, at the foot of Delaware street. The old mill building having passed through so many trials and tribulations and being occupied by such a diversity and somewhat mixed interests, has at last succumbed to the inevitable of all things earthly. It has, I learn, passed into the hands of that eminent citizen and distinguished and extensive foreign traveler and archologist, Hon. Vint Stillings, who no doubt will preserve it as a souvenir, perchance among its ruins in later years may be found divers and sundry mementoes, of vain hopes and lost immortalities.

The next flour mill was the Wilhite Mill down on the river bank between the river and the South Esplanade. It was formerly built by and used as Fritzen & Mundee's brewery, as before stated. After its abandonment as a brewery it was bought by Elijah Wilhite, a practical miller from Weston, Mo., who furnished it with first-class mill machinery and operated it very successfully for a number of years. Judge M. W. Delahay was a partner at the time the mill was accidentally burned. The stone walls were afterwards removed by the W. P. R. R. Co., and the beer vault in the bank is all that is left to mark the spot.

The third flour mill erected in the city was the Phillip Koehler mill, down on Delaware street, east side near Broadway. It was built about 1865 or '66; it was said to be a most excellent flour mill of brick 100x125 feet, three stories in height. Koehler was successful for a number of years, but in his anxiety to do too much business for his capital, he got too deeply in debt and failed. The mill passed into the hands of Hines & Eaves, bankers, who operated it for a series of years and then sold it to H. D. Rush, Esq., who enlarged and greatly increased its capacity, by putting in the new process of roller-mill machinery in the place of the old-fashioned French burrs. He also built a large elevator near it for storing wheat. He was doing a large business and making money rapidly, but unfortunately in an evil hour that fell destroyer, fire, the special foe of all mills and especially of flour mills, blew its destructive and withering breath upon it and it went up in smoke; all that was left of the magnificent structure was the towering smoke stack, blackened

walls and the flour store-room. The building has since been partially repaired and is now occupied as Vogle's Box Factory.

The fourth flour mill built in the city was Plummer Mill, at or near the foot of Kickapoo street, a short distance south of where Denton Bros.' elevator now stands. It was built in 1872 or '73. Plummer ran it a year or two but did not make a brilliant success, and sold it to H. D. Rush, Esq., who put more capital and his usual push into the business and of course it prospered and made money. But unfortunately fate overtook it, and on the 26th of February, 1876, it took fire and was totally destroyed. Mr. Rush not to be discouraged by one or even two fires, with the indomitable pluck, push and energy of a live western man in a short time had purchased of Hines & Eaves the Koehler Mill and had it rejuvinated and enlarged and was running it with renewed energy as above stated.

The fifth flour mill erected in the city was the Havens Mill built and operated by A. B. and Paul Havens, on the north end of block 1, Clark and Rees addition, just south of the bridge on Main street over Three Mile creek; the spot where it stood with its elevator and store-house, is now occupied by the tracks, turntable and round house of the Union Pacific railway. The mill was a three-story frame building about 45x100 feet, substantially built and thoroughly equipped with new and first-class machinery. It was a success as a flour mill from its inception and with the capital, push and energy of its owners and operators, was making money and turning out a large supply of first-class flour for a series of years. But alas that fire fiend, the special foe of all flour and grain mills (especially the "burr stone" mills and all others that are not provided with dust collectors and removers) laid its ruthless hand upon this great industry and on the 28th day of May, 1882, (if I mistake not) in the forenoon, in the short space of an hour totally destroyed this mill with most of its contents. Mr. A. B. Havens, who was in the mill at the time, in his anxiety to save his books in the office, came very near perishing in the flames so rapid was the destruction. He will carry the scars of that eventful and sad catastrophe with him to his grave.

The sixth flour mill built in the city was the White Mill, so called, erected and operated by a Mr. White, an extensive and practical miller from Minneapolis, Minnesota. It was built in

1883 on the south side of Choctaw street, near Fifth street. Mr. White after operating it successfully sold it to H. D. Rush, Esq. It is now known as the Leavenworth Mills of the late Rush Milling Co., second to no mill of its capacity for the quality of its flour in the entire West. It is now owned and operated by the Leavenworth Milling Company.

The seventh and largest flour mill in the city is the New Era Mills, on the north side of Choctaw street near Sixth, owned and operated by the Kelly & Lysle Milling Company. This great enterprise has no superior in its line, west of the Mississippi river. Its far-famed product finds a ready sale all over the western country and in the markets of Liverpool and Glasgow. Our flour mills are among the leading industries of our c ty and upon their white wings bear our fame to every civilized land.

The eighth and last flour mill built in this city was the Cretors Mill on Oak street, south side, just west of Fifth street, about 1886. It is a well built, snug little mill, but unfortunately located, it should have been located on the line of some one of the many railroads which enter our city. The expense of the transfer of wheat and flour to and from the mill, was too great to successfully compete with other mills and the working capital too limited for certain success. After operating two or three years the project was abandoned. The mill is now used by the Acme Company as a corn meal mill.

Before closing the subject of our mills I must not overlook the Oat Meal mill of S. F. North. This was constructed about 1880 or '81 at the northeast corner of Main and Delaware streets on the former site of the large wholesale grocery house of Carney, Stevens & Co. A mill of this kind was a new feature in the milling business of this section. The mill was fitted up with the most improved machinery. Its product was of the very best quality. It was a success from its inception. But alas its prosperity was of short duration; it was soon brought to a sudden and untimely end. Mills in those and preceding days in this city seemed to be the especial favorites or perhaps, more properly speaking, the victims of the fire fiend. It had been in operation but a few years, when about noon one day, it suddenly and without a moment's warning, in some unaccountable way, took fire, every part of the structure seemed to be on fire at once. The impenetrable dust (as it is called) which was ever

present in the building was like tinder, the flames spread with lightning rapidity. The fire engines were soon on the ground but the brave men were powerless to save the building or even stay the flames, and in less than an hour all that was left of the stately structure was a portion of the blackened walls that were not thrown down by the explosion. Nothing of much value was saved from the wreck, it was a total loss and was never rebuilt.

Woolen Mill.

It perhaps may not be out of place in this connection if I refer to another mill or factory to which my mind reverts although of a different kind entirely from those above referred to. I allude to the Leavenworth Woolen Mills. A quite extensive plant for those days, which was erected in 1857 on, I think, block 10, Central sub-division, on the west side of Railroad avenue on the west bank of the creek and immediately in the rear of the then Delahay, now McGonigle tract of land fronting on Broadway. Judge L. N. Latta and W. H. Hastings were the promoters of the enterprise. It flourished quite extensively for a number of years and was a success, in the quantity, quality and variety and sale of the products of its looms. But in this instance as of that of so many mills in those early days, it took fire and was destroyed and there being no insurance obtainable at so early a period in our city, it was a total loss and was never rebuilt.

The Leavenworth Carpet Mills. This company was organized and commenced work on a small scale at first, in 1870. In 1871 it increased its capital stock and built a large and quite an extensive plant, 45x125 feet, five stories high in the rear and four in front with additions on the south side of Choctaw street where the Leavenworth Bag factory now stands. A large quantity of first-class products were turned out annually and the enterprise, although the first of the kind west of the Mississippi river, bid fair to prove a financial success to the entire satisfaction of ts promoters. It prospered for a series of years until a most unfortunate and unexpected catastrophe befell it. In the early morning of the 24th of May, 1876, a small cyclone, the first and last that was ever seen or heard of in this vicinity, developed about Pilot Knob and passed down the south fork o Three Mile creek, increasing as it rushed onward in its destru

tive flight, not doing any great amount of damage until it reached the above mills, direct in its path. With one fell swoop and without a moment's warning, like a mighty vulture descending from the skies upon its prey, it laid the entire building and its surroundings level with the ground, a total wreck with scarcely one brick or stone left to mark the spot of the late stately pile of industry. The remnants of the valuable machinery were afterwards gathered together and an attempt made to utilize them in the manufacture of coarse U. S. blankets but it did not prove a success and was abandoned.

CHAPTER XXXVI.

Schools.

THE first school established in this city was a private school by the Rev. J. B. McAfee, now of Topeka, Kansas. It was in the summer of 1855. The school house was a small frame building then standing on the high bank on the southeast corner of Fifth and Shawnee streets opposite the City building. The grading of the principal streets of the city has very materially changed its original appearance as it was at the time of the location of the townsite and for several years thereafter. The above school flourished for a year or two, till the troubles became so paramount, and the Reverend's political views not harmonizing with the prevailing sentiment of a majority of the then citizens of the town, his days of usefulness as a successful school teacher became suddenly abridged, and as the vigilance committee gave him notice (with others) to quit, he thought prudence in this instance at least, was the better part of valor, so gracefully but with becoming agility retired from the school field. Schools were not a necessary adjunct to our prosperity so the powers then in control decreed, during that exciting period; let us wait a little, they said, till our political complexion is a little more clearly defined, and we waited, till the storm blew over. Our town grew rapidly, our children increased in numbers and the enterprise and refinement of our people demanded the establishment of good schools and the building of suitable and properly arranged school houses, the organization of a public spirited and liberal minded Board of Education and the employment of competent and faithful superintendents and a corps of trained and skillful teachers. I do not propose to go into the detail of the construction of each school house, or its precise location, it would not be pleasing or profitable, I opine, to the general reader. I shall content my-

self with a general review of the subject of public schools in our town. What I said on a former occasion upon this subject might not be inapplicable at the present time and I repeat it. In the matter of public schools Leavenworth has, since the first organization of a regular system, as early as 1858, occupied a front rank, excelled by no city or town in the state, which is so justly celebrated, for the high and advanced position, which she has ever held among her sister commonwealths by her broad and liberal endowments of the public school system of this state, which has built a school house on ten thousand hills and in as many valleys of her broad domain, as a beacon light to the nations of the earth, that in this goodly land of ours the seeds of freedom were not planted in a barren and arid soil, but in a land rich in the hopes and expectations of the future, fed and nurtured by the brawn and muscle of her sturdy sons and the enlightenment and culture of her worthy daughters. They have reared their temples, as living, speaking monuments of their true appreciation of the power and usefulness of a generous and liberal system of common schools, whose full fruition shall be the elevation and advancement of this mighty commonwealth. From the early settlement of our town, our people have fully appreciated the importance of this great work, as has ever been evinced by the liberality of her Board of Education, the perfection of her teaching, and the special skill and ability of her superintendents and their corps of professors and teachers in that behalf. Several of the graduates from her high school have stood in the front rank and graduated with the highest honors of their respective classes in the United States Military Academy at West Point and in the leading colleges in the East. Our school buildings are all well arranged and in most instances convenient and pleasantly located. Our professors are of a superior order of talent, as educators, second to none in the land. Our schools are in a very prosperous condition. The number of children of school age is about 10,000. The value of school property is about $700,000. Our Board of Education (composed of some of our most liberal and progressive citizens) is fully abreast of the times and will enlarge our school facilities by the erection of new buildings and enlarging others already built as the circumstances and necessities of the situation may demand. To the disinterested efforts of these gentlemen their liberal and broad-guaged views upon

this important subject of education the present prosperity and high standing of our public schools in a great measure, is due. We have one of the finest high school buildings in the state, a dozen first-class school houses, a German school, two Catholic parochial schools (English and German), and a German Lutheran school.

CHAPTER XXXVII.

Theatres or Opera Houses, Public Halls and Beer Gardens.

THE first theatre was in a sort of composite building on the southeast entrance of Third and Delaware streets where the wholesale china and crockery store of Knapp & Bollman now stands. A two-story frame building 42x75 to 80 feet in length, with a meat market (the first in town as I remember) in front on Delaware street. A public hall in the rear fronting on Third street, and a theatre on the second floor over all. This building was erected in the fall of 1856. The theatre was not permanently established till 1857. It flourished with varied success during that year and until the fall of 1858, when one night after the performance had closed, a fire broke out, supposed to be in one of the dressing rooms, and not only destroyed that building but extended along Delaware street on the south side to the Grazier building now occupied as the Endress stove store. The Grazier Bros. had just completed and furnished their ice cream and confectionary parlors and a first night entertainment was being given by them when the fire broke out in all its fury and destruction. It soon swept across Delaware street at the corner of Third street opposite, first attacking Dr. Park's drug store, then Beechless' shoe store, J. B. Davis furniture store, Weaver & Seaman's dry goods store, Currier & McCormick's store, Conway's boarding house, all on the north side of Delaware street, where it ceased for want of material. It also crossed the alley in the rear north of Delaware street and burned a number of buildings on both sides of Shawnee street from Third street east and only ceased its devastation on Seneca street for want of material to consume. There was little or no insurance in the town in those days and the total loss in buildings and stocks of goods was very

large. We had no organized fire department in those days, and were entirely dependent upon bucket brigades of citizens to pass water by hand, from wells, or from the river if the fire was near there.

The next theatre was of the variety or vaudeville kind, owned and operated by the Goddard Bros., on Shawnee street below Fifth street, north side, about where Cory's fruit and fish store was, this was in 1863 and '64. It was a great success and very popular while it existed, but fire, that demon of destruction, that inveterate foe of theatres and mills at all times, claimed this as one of its victims and one night, without warning, took it into its capacious maw.

The third, and really the only legitimate first-class theatre, exclusively as such, which has been maintained in the city was the old Thorn Theatre, on the southwest corner of Fourth and Delaware streets. It was built in 186– for a theatre by old man Thorn, who was a first-class actor of the legitimate turn, as were his whole family, Mrs. Thorn, Miss Mestazer, his two sons—a first-class Stock Company—Geo. Chaplin, Mr. and Mrs. Walters, George Burt and wife and a number of others. Old man Thorn built a nice country residence and named it Thorn Hill, out on top of the ridge northwest of the city to which place the family retired in the summer. It was a popular place of resort and the family were very hospitable and splendid entertainers. The theatre was a great success for a series of years. The very best actors in the country with their companies visited our city, not for one night stand only but for a week. Our people patronized and appreciated first-class entertainments. In time the theatre became dingy and unkempt, first-class companies ceased to visit us on that account and the theatre passed into the sear and yellow leaf and was abandoned as a theatre and the building changed into a store-room.

Our present opera house on the south side of Shawnee street between Fifth and Sixth streets, was built a few years ago by a Stock Company of our enterprising citizens who fully realized that a city of this size ought to have a properly constructed and well arranged opera house worthy of the name which would command the attention of good companies and insure the patronage of our people. The result was the immediate building of the above opera house.

Public Halls.

The first Public Hall was on the north side of Delaware street between Second and Third, next west of the McCracken building, which was then a two-story stone building. The hall was in the second story of a frame building long since passed away. It was built in the fall of 1855. Public meetings were held there, and church services by denominations who had not yet constructed places of worship. It was also used as a ball-room where the young people met to trip the light fantastic toe. If I mistake not the city council held its meetings there for a time. It was a very popular hall for quite a length of time until larger and more convenient halls were constructed.

The second and by far the largest and the finest hall in the city for a number of years was Melodeon Hall. It was in the third story of a splendid pressed brick front building on the north side of Cherokee street between Main and Second streets, the third lot west of the alley opposite the old Union Stove Works. The building was 24x100 feet and built by a Cincinnati firm, Springer & Fries. Phillip Rothschild occupied the first story as a clothing store and U. S. court room offices in the second story and a magnificent hall the entire length except ante rooms in the rear. High ceiling papered and frescoed overhead in fine taste. It was built in 1857. It was a very popular hall for balls and first-class entertainments. The Knights of Malta used it at one time as their meeting hall, and expended a large sum of money in fitting it up with fine carpets, chandeliers, chairs, throne, gorgeous dresser and all the paraphernalia belonging to the order and its officers in their grand initiation and conferring degrees upon members as well as their midnight marches through the streets of the city. Probably no society or organization, especially alone founded on mirth, fun and frivolity, was ever so popular or had so many members in every city in the United States of any respectable size as did this organization. It grew and flourished like a green bay tree for a number of years until that unfortunate accident in New York City when a party who was being initiated, by the breaking of a portion of the hoisting or sliding apparatus, was precipitated from a considerable height to the floor and killed outright. This cast a damper upon the order, the New York pictorial papers published gross caricatures of its confer-

ring degrees and the accident above, only served to emphasize the carelessness and danger claimed by its enemies. The religious papers inveigled against the order and called upon the police and courts to interfere as there was no special merit, only an organization gotten up for fun and recreation with just enough mystery about it to attract continued accession of new members, but as soon as it became to be discussed in a serious manner by the newspapers all the fun and humor evaporated and in a few months most of the lodges were broken up or ceased to attract. The furniture and apparatus was sold, and the Knights of Malta were among the has-beens passed into song and story. A few years after Melodeon Hall building was entirely destroyed by fire.

The third hall in the city was the far-famed Stockton Hall erected on the southwest corner of Fourth and Delaware streets, where the Leavenworth National Bank now stands, in 1857. It was a frame building 45x120 feet in depth along Fourth street, store-rooms below and a lofty story above. It was so arranged that it could be, and frequently was used by theatrical troupes that visited our city in those early days. Capt. Job B. Stockton, quite a prominent public spirited citizen and hustler, after whom the hall was named, was the owner and proprietor. When the war broke out the Captain raised a company and joined the Grand Army of the Republic to aid in subduing the rebellion. Probably one of the most interesting meetings or conventions ever held in the state or territory was the one held in the above hall in the summer of 1858, for the purpose of organizing the Democratic party. There had been several attempts made previous, at Topeka, Lawrence, Tecumseh and Lecompton but all had failed to unite the conflicting elements, now that the question of slavery in the territory had been virtually settled in favor of freedom. The Topeka constitution had been ignored by Congress, the Lecompton constitution repudiated by the people. The first Free State Territorial Legislature had been elected the fall before, met, repealed the bogus laws (as they were called) of the Missouri elected Legislature of the territory of 1855, and substituted another and more acceptable code of laws and practice, both civil and criminal, in their stead. The Democrats of the territory who had formerly been Democrats in the several states from whence they came to Kansas, and also many old line Whigs,

all who believed in the principles of the Douglas Kansas-Nebraska Bill, in opposition to the extreme Pro-Slavery views of the Southern oligarchy on the one side and the fanatical John Brown spirit of intolerance on the other. Such parties, I say, were anxious to try and get together, to unite upon a common platform if possible, in consonance with the true principles of Democracy, the greatest good to the greatest number, freedom of thought, freedom of action, in all things divested of unbridled license, as taught by the fathers of the Republic. Among those present on that memorable occasion were Ex-Gov. Shannon, Col. A. J. Osacks, Ex-Secretary of the Territory, Hugh Walsh, Col. C. K. Holladay, Ex. Gov. Roberts, Col. J. R. McClure, Joel K. Gooden, E. C. K. Garvey, W. R. Frost, Col. Thos. Thornton, Judge Sharp and P. V. Lane of Wyandotte, Perry Fuller, Ben McDonald, Col. Robt. Mitchell, Col. Vanderalier, Col. Irwin, P. H. Badger, C. F. Currier, Dr. James Davis, O. B. Holman, John A. Halderman, H. B. Dennan, Gen. J. C. Stone and a number of other Democrats. H. T. Green, J. W. Crancer, B. S. Richards, Jerry Clark, Gen. Geo. W. McLane, the writer of this, and many other old line Whigs were present. A platform was drawn up, and afterwards some amendments to suit the views of all parties present, was unanimously adopted and signed and this was the origin of the Democratic party in Kansas. For a number of years following, it took considerable nerve for a man who had been a prominent and active Free State man during the early troubles in Kansas and especially in Leavenworth, to acknowledge that he was a Democrat. It made no difference to some of those worthies, what a man might have suffered in property or person or how great had been his sacrifices for the Free State cause, if he dared to exercise his personal perogatives as a free born American citizen and declare himself a Douglas Democrat, he was denounced as a traitor and a Pro-Slavery supporter. The men who did and said these things were principally newcomers to the territory, parties who had remained at their homes in northern states at a safe distance from the scene of danger during the days of strife and bloody turmoil in Kansas. The spirit they evinced was of the same grade as the redshirted ruffians of 1855 and '56 except that cold blooded murder was not in their hearts, at least not in their actions; they bridled their hands if not their tongues. Stockton Hall like so many public buildings in those days fell a prey to the devouring flames.

The fourth hall built, if I mistake not, was the old Turner Hall, northeast corner of Sixth and Delaware streets. It was a very popular hall, especially with our German citizens and their friends. Henry Deckelman was the first president of the Turner society and so remained for a number of years. Many a pleasant entertainment was held in that old hall, theatrical, musical, mirth and dancing. The hall is still standing, although much in the sear and yellow leaf. It was for a long time occupied by J. W. Brown as a livery stable and later as an humble carpenter shop. Bachus, Gambrinus, Apollo, Thespias and Terpischore are no longer worshiped at this once sacred shrine, their temple is defiled, their altars have been destroyed, or were perchance by their faithful followers removed to a more congenial and much pleasanter spot within whose sacred precincts they could enlarge and beautify their temple, erected on the northeast corner of Shawnee and Broadway, and add to its surroundings a beautiful garden, where beneath the umbrageous shade of its lofty oaks they could, with their families and friends, hold sweet communion with the spirit of the faderland, so far away, across the deep blue sea, and as they listened to the soft and gentle music of the sweet toned violin and the lute and sipped the foaming nectar of the gods, their hearts in rapture dwelt, as they thanked the Great Spirit of the past that had guided them on their weary way to this land of freedom they so much love. A few years ago, fire, that fatal fiend, as we have so often said, in an evil hour, laid its deathly grip upon this temple of mirth and song and soon it was but a mass of ruins. But Phoenix like, with the proud spirit of true men who never say die, their noble temple has risen from its ashes, larger and much more complete in all its details, a fitting and worthy monument to the push and energy of its founders and promoters.

(From Leavenworth Times, July 20, 1898)

THE PASSING OF OLD TURNER HALL. FAMOUS IN THE OLD DAYS OF LEAVENWORTH. STOOD FOR MORE THAN THIRTY YEARS ON THE CORNER OF SIXTH AND DELAWARE. AN EXCITING ELECTION IN WHICH MILES MOORE PARTICIPATED.

The old frame building which stood for more than thirty years at the northeast corner of Sixth and Delaware streets, stands there no longer. Its destruction was completed yesterday, and with the removal of the old boards there passes another of the historic landmarks of Leavenworth.

Erected in 1857 by the Turner society, it was their proud boast that they possessed in the building one of the largest and finest halls in the West. More improvements were added to the structure after it had been partially destroyed by fire a few years later, among them being a stage and theatre equipment, and many an itinerant opera troupe held forth there to the delight of the early settlers. The building also served as the dance hall for the city.

As the city enlarged and the people became more exacting in their demands, the Turner society out-grew the old hall and sought more commodious quarters in their new frame building erected on the corner of Broadway and Shawnee streets. The Turners still occupy the old site, but fire and time so injured the frame structure that it has recently given place to a handsome brick block.

The late Henry Deckelman, who ran a jewelry store here in the early days, was the first president of the Turner society in Leavenworth, but there are few now living who participated in the opening of the old hall.

The Turners were all pronounced Free State men, and their old hall was used as a Free State meeting house. There political conventions were held, and public speaking of not the most peaceful kind imaginable. There were stirring elections held there in those days too. In one of these Judge H. Miles Moore, then the young acting colonel of the 5th Kansas, figured conspicuously.

It was n 1862, just when the "Red Legs" were at the full height of their fame. The "Red Legs" were a band of notorious horsemen, among them, "Wild Bill," "Red Clark," Captain Swain, the St. Claire boys, and a dare-devil named Cleaveland.

They posed as deputy United States marshals, claiming that they were engaged in regulating the affairs of the western country, but in reality they were border ruffians for the most part whose principal business was horse-stealing.

Nearly all these notorious "Red Legs" were surrounding the polls in front of Turner hall on this territorial election day in '62. They had put up a ticket of their own and proposed to shove it through whether the people wanted it or not.

Colonel H. Miles Moore was riding by Turner hall and heard a loud outcry. There was an Irishman attempting to elbow his way through a crowd of "Red Legs" who set upon him and beat him back.

"What's the matter, Pat?" asked Colonel Moore.

"Be jabers, Moore," shrieked the Irishman, "Oi want to vote an' they won't let me."

Moore leaped from his horse and drew forth two large revolvers. Pointing them into the crowd, he said, "Here, let that man vote. I know that man and he has just as much right to vote as I have."

The Irishman voted and so did Colonel Moore, although he had had no intention of doing so before he saw how the "Red Legs" were trying to run things, but that riled him, as he remarked afterwards.

"Give me a ticket," demanded the Colonel, and the "Red Legs" in front of the two revolvers hastened to obey.

"Now, what ticket are you voting?" asked Moore of a burly "Red Legs." "I want to know so that I can vote the other one."

Those were great days for Turner hall, but now it has been torn down after having been used as a livery stable and later as a carpenter's shop, until pronounced unsafe. The stables were run by Brown & Lecompte, the latter being a son of the first Chief Justice of Kansas.

The next public hall built in the city was Lainge Hall on the southwest corner of Fourth and Delaware streets in the third story of the Laing building. It was without doubt the largest and most commodious hall in the city, being 48x125 feet, lofty ceilings, well lighted and convenient of access. Religious, political and other meetings were often held in it, but the proprietor, Deacon Laing, was always opposed to and would never allow it to be used for balls and dancing parties. Within the

past few years it has been remodeled and is now used as the Masonic Temple where all the different branches of the order hold their regular meetings.

The hall in the Odd Fellows' building second floor, southeast corner of Sixth and Shawnee streets and known as Odd Fellows' Hall has from its first erection in the early sixties been a very popular hall, 44x120 feet For a series of years it was often occupied for public meetings, religious, social and political, but of late it has almost exclusively been used for balls and dancing parties. Its central location, ease of access, internal arrangement, elegant size and appointments which go to make up a first class dancing hall will continue its popularity especially with the young people of the city.

Of Chickering Hall and the G. A. R. Hall I need not speak at this time as they cannot be classed among things of early days of which we are writing.

The Old Beer Gardens of the City.

The first and gayest of these free and easy resorts of early days beginning with 1855 and ending with the close of the war, was located on the southwest corner of Second and Cheyenne streets and known as Stahl's Garden. When in full bloom and perfume she was a daisy, always wide open from early morn till dewy eve, and early morn again, "the last chance" to the fort and "the first chance" to the town and "always a chance," for those who wanted fun, a schooner of beer, good music, a dance and a general good time. About election times it was red hot. True, at certain times, it was a little tough, but that was the inevitable result of that class of people who are the advance guard in all frontier towns and especially in towns where cowboys, bull whackers and mule drivers predominate, and near a government Post like Fort Leavenworth, in those days, where hundreds of them were employed in the spring time in those immense mule trains of the government and ox wagon trains of that great firm of Majors, Russell & Waddell, freighters of government army stores across the plains, and who made this city their headquarters and starting point, (of which I shall speak more in detail at another time), and again on their return here in the autumn. Is it surprising that they made things a little lively around old Stahl's Garden and kindred places on such occasions. These

were the Mosaic's in the broad platform of unrestrained liberties and almost unbridled licenses in those wide-open western towns in those early days. In passing the old uninhabited and tumble down rookery and the dilapidated garden and its forlorn surroundings, one unacquainted with its former prestige would scarcely credit the fact this was for a number of years the gayest and liveliest resort of its kind in the town, with a cash income every twenty-four hours according to the season, of not less than $200 to $400. It run wide open at all times, nights and Sundays included, it was so far removed from the churches and the business portion of the city, that the conviviality of its frequenters did not disturb the quiet and decorum of the rest of the city and its inhabitants

Another garden that was at times a little gay, but nothing to be compared with the wide-open revelry and debauchery of Stahl's Garden, was for years located on the southeast corner of Olive and Broadway, and known as John Ebenger s Garden. Here seats were placed under the fruit and shade trees and grape arbor. There were swings, vaulting bars, bowling alleys and other accessories of a pleasant resort, to amuse and entertain visitors. Of course a good band was in attendance and discoursed sweet music, especially on Sunday afternoons and evenings and holidays during the summer season. It was quite a favorite resort with many of our citizens who sought recreation and amusement in this direction.

Another and by far the most popular garden in those days long ago, was Washington Garden situated well out in the then southwestern portion of the city in Benz Addition, now probably Insley & Shoyer's sub-division west of Ninth street and south of Quincy street, so called. There were no streets laid out in that part of the city except Broadway and that was but a country road or highway, it was an open prairie west to Pilot Knob hill except where a small tract of a few acres was fenced and cultivated in sparse localities. Washington Garden embraced several acres of land surrounded by a fence, well laid out with walks and drives, fruit and shade trees, arbors and flower beds, swings, bowling and shooting alleys, vaulting bars and other accessories necessary for athletic exercises. A fine band stand in the garden and a platform for dancing. A quiet, refined and lovely place for a few hours recreation or a days' outing with a party of con-

genial friends. It was a popular place for picnics for Sunday schools and other societies, and a quiet resort for an evening drive. It was always liberally patronized by the better class of our citizens in the summer season who sought quiet recreation and amusement. There was no unseemly noise or rowdyism. That class of people found no congenial spirits among the class of people of taste and refinement who visited it. Alas times have changed in forty years and we, the people, change with them. All of the places of resort and pleasure above referred to have long since passed away and scarcely a stone is left to mark the spot and most of the actors and participants in those gay and festive scenes have left our city or crossed over to that bourne from which no traveler returns.

CHAPTER XXXVIII.

The Mayors of Our City.

AS I have said in a previous chapter, the first mayor of the city was Thos. T. Slocum; he served for one year and was succeeded by William E. Murphy who was a very ultra Pro-Slavery man although a northern man by birth and education. This was no uncommon case in those early days in Kansas, especially in the towns along the Missouri border. Among the most noisy brawling, loud-talking and ultra Pro-Slavery men, were men from some of the northern free states. They seemed to be of the opinion that these extreme demonstrations must be made on their part, to assure the leaders that they were "sound on the goose." Then followed as mayors of the city, Jas. L. McDowell, Thos. Carney, H. B. Denman, two terms; Col. D. R. Anthony, two terms; Henry J. Adams, Chas. R. Morehead, Col. J. L. Abernathy, Dr. G. F. Neely, two terms; M. L. Hacker, D. A. Hook, Saml Dodsworth, J. W. Edmond, D. R. Anthony, Jr. and the present mayor, Peter Everhardy. Leavenworth has been exceedingly fortunate in the selection of its mayors since the organization of the city. Most of them have been practical business men and leading citizens, who took special interest in the welfare and advancement of the city and her people.

Lawyers of the City and County.

We have no hesitation in saying that no city in the state can boast of a more cultured, refined, brilliant, intellectual and able bar since the organization of the territory, than Leavenworth. They have and still do stand in the very front rank of the profession. Several of them have risen to positions of well merited honor and trust as eminent jurists, others as statesmen of high rank in the commonwealth and the halls of the nation and

still others have won honor and renown in the armies of the Union, and in places of civil trust bestowed by a grateful country. The following names I copy from the list of attorneys as they appear on the roll on file in the clerk's office of the district court of this county commencing with the organization of the first district court in April, 1855. There are a number of names enrolled of distinguished attorneys from other cities in the state, viz: Atchison, Topeka, Lawrence and other towns and Platte City, Weston and St. Joseph in Missouri. Time and space is too limited to amplify sketches of these gentlemen on this occasion and in a work of this kind. I leave that for future consideration which I have compiled in a separate work up to the admission of the state. The first name on the above roll is John A. Halderman, then follows Richard R. Rees, D. J. Johnson, A. McCauley, James M. Lysle, D. A. N. Grover, David Dodge, B. H. Twombly, Col. McCrea, Chas. H. Grover, Amos Rees, P. T. Abell, John Doniphan, C. F. Burns, W. B. Almond, Wm. G. Mathias, Marens J. Parrott, J. Marion Alexander, Wm. Weir, Jr., Wm. Phillips, C. F. Benard, Benj. F. Simmons, M. L. Truesdell, H. P. Johnson, M. W. Delahay, Thos. Shanklin, H. Miles Moore, G. W. Gardner, Sol. P. McCurdy, Wm. H. Miller, H. T. Green, Thos. C. Shoemaker, J. I. Moore, G. W. Perkins, Geo. W. McLane, B. F. Stringfellow, Edward Young, Jas. I. Hadley, Henry Tutt, Jas. Christian, A. G. Otis, Lorenzo D. Bird, J. F. Hollingsworth, Joseph P. Carr, John Wilson, Josiah Kellogg, Burrell B. Taylor, Robt. P. Clark, Wm. Perry, G. G. Goode, Reese Paynter, Danl. L. Henry, B. M. Hughes, R. C. Foster, E. M. Mackamer, Lewis Ramage, H. B. Branch, Van B. Young, Wm. McKay, O. B. Holman, D. J. Brewer, Henry J. Adams, Harvey W. Ide, John W. Henry, E. McGruder Lowe, Clinton Hellen, Saml. A Young, J. W. Whitfield, J. H. Lane, John C. Douglas, Willard P. Gambell, John L. Pendery, S. W. Johnstone, John E. Pitt, O. Diefendorf, James McCahan, John T. Slough, Wm. Stanley, Jas. Taylor, Walter N. Allen, M. S. Adams, Wm. Kemp, N. Franklin, G. Adams, J. S. Speer, James S. Connolly, Q. J. Cody, A. M. Sawyer, J. S. Kallock, S. A. Stinson, John Gill Spicy, Wm. P. McDowell, Fox Diefendorf, E. N. O'Clough, R. Crozier, J. J. Logan, Fred Swoyer, E. F. Havens, A. F. Callahan, J. C. Hemingray Barzila Gray, P. Sidney Post, D. H. Bailey, John C. Tarr, T. A. Hurd, Thos. P. Fenlon, M. S. Adams, F. P. Fitzwilliams, L. B. Wheat, R. P.

C. Wilson, A. J. Isaacs, S. D. Lecompte, Lewis Burns, W. T. Sherman, Hugh Ewing, Thos. L. Ewing, Danl. McCook, John N. Case, N. H. Wood, W. S. Carroll, E. Stillings, Wm. McNeil Clough, Z. E. Britton, L. M. Goddard, James S. Jelly, H. D. Mackey, Geo. H. English, Chas. W. Helm, Joseph W. Taylor, Byron Sherry, J. H. Gilpatrick, Nicholas Smith, James Kettner, Geo. H. Spry, Isaac E. Eaton, Newton Mann, and others prior to the admission of the state into the Union. L. G. Hopkins, H. L. Pestana, Q. D. Shaffer, Norval Marehand, Lucien Baker Wm. Dill, H. N. Pendery, Wm. Green, E. L. Carney, Vint Stillings, Wm. Hook, Henry Wollman, Laurens Hawn, M. L. Hacker, Jas. P. Stinson, C. F. Rutherford, L. F. Misselwitz, Saml C. Wheat, John H. Atwood, J. H. Wendorf, T. W. Bell, B. F. Daws, W. W. Hooper, M. G. Lowe, Thos. P. Fenlon, Jr., N. E. VanTuyl, J. C. Petterbridge, John T. O'Keefe, Eli Niedlinger, A. E. Dempsey, F. P. Fitzwilliam, Harry E. Michael, Lee Bond, O. E. Mann, Dennis Jones, B. F. Endress, A. M. Jackson, E. F. Rorer, C. R. Middleton, W. H. Bond, Thos. L. Johnson, David W. Flynn, E. B. Baker, L. C. Hohe and others.

The Physicians and Surgeons of the City in Early Days.

As there was no record or enrollment of the physicians and surgeons of this city and county required by law to be kept in the early settlement of the town, and as none was kept, the writer is obliged to rely entirely upon his own personal remembrance and acquaintances with each of these worthy and most useful members of society; up to the admission of the state. Dr. W. S. Catterson, Dr. Sam'l Norton, Dr. John W. Day, John M. Fackler, O. F. Renick, (the three last did not practice medicine much, they were principally lot and land speculators.) Dr. Levi Houston, Dr. M. S. Thomas, Dr. S. F. Few, Dr. Dyer, Dr. Jas. Davis, Dr. J. J. Edic, Dr. J. M. Bodine, Dr. H. B. Callahan, Dr. Samuel Phillips and probably others I have forgotten.

CHAPTER XXXIX.

The Coal Mines of Leavenworth and Vicinity.

FOR several years prior to the settlement of this city the U. S. government had been mining coal in considerable quantities in Salt Creek Valley by drifting along the banks of the creek, for use in the blacksmith and wagon repair shops at Fort Leavenworth. The supply was limited to a few hundred tons. In 1855 Charles Peet, the veteran coal miner, who still resides in this city on Fourth street, just south of the Ables place, was living on Stranger creek west of the town; he opened a coal mine and for a number of years delivered coal from his mine to our citizens. This coal was obtained by drifting; as it became more expensive it was finally abandoned. In 1851, Maj. F. Hawes, who was in the employ of the state of Missouri as Assistant State Geoligist, after a careful survey of the Missouri river in this vicinity came to the conclusion that coal existed in paying quantities underneath Leavenworth. Sometime afterwards he made a geological survey of the county and gave it as his opinion that coal would be found at a depth of about 700 feet. So confident was he of the existence of coal, that in 1863, after several previous attempts had failed, he succeeded in organizing a company with Thomas Ewing Jr., Ed W. Russell, John McCarty and others, who obtained from the government the privilege to sink a coal mine on twenty acres of the Fort Reservation, north of and adjoining the city. The Major was anxious to sink a shaft at once, but the company was of the opinion that the safest plan was to drill down first and ascertain for a certainty if there was coal and to what depth they would have to sink their shaft to reach a vein of sufficient thickness to justify the expense. Work was commenced with a drill of primitive construction, and with an old horse as the steam engine or driving power. In the course

of a few weeks, the company's funds were exhausted and the work had to be abandoned. But they were men of pluck and energy and not disposed to abandon the enterprise. In 1865 they induced a number of other gentlemen to interest themselves in the work and it was again commenced, but owing to the war, the funds were again exhausted and the work came to a second stand-still. There were six attempts (too long to narrate) before the coal was finally reached. In 1868 the property passed into the possession of Lucien Scott, president of the First National Bank and work was once more revived with all the energy that money and experienced managers could bring to bear. In 1870 the first coal from a Leavenworth mine was put upon the market. The coal was reached at a depth of 713 feet. The vein is 21 inches in thickness and of a very superior quality and easily worked. The coal is bituminous and the best mined in the West. The shaft has been sunk to a depth of 1100 feet; at 998 feet a second vein was passed through 26 inches in thickness, and at 1030 feet a third vein was passed through, 28 inches in thickness. At present only the first vein is being worked, not only in this mine but in all the mines in the city and vicinity.

The second mine opened was the penitentiary mine at Lansing, about three miles south of the city, and is owned by the state of Kansas. The state Legislature in 1879 appropriated $25,000 to defray the expenses in sinking a shaft. On January 15, 1881 coal was struck at about the same depth, it was in the North Leavenworth mine, 713 feet, and since that more than 20,000,000 bushels of coal have been mined. About 350 to 400 convicts are employed digging coal. The coal mined in this mine is solely for the state, is principally used at the state institutions in the different cities and towns of the state, over 10,000 bushels are being mined each day. It is considered a profitable investment for the state of Kansas, and is worth nearly or quite one-half million of dollars.

The Riverside mine was the second coal mine opened in the city. This mine is located in the southeast corner of the city near the Missouri river. On the 17th day of January 1886, work was commenced on this shaft and coal was struck on the 17th of September of the same year. This mine has been a success from the first. Most of the coal raised from this mine is shipped away by rai road.

The third coal mine sunk in the city was the Home Coal Mine. situated between Second street and the Missouri river near the old ferry landing. This mine was sunk by the individual efforts of a number of our enterprising citizens who formed a stock company and raised the money to sink the shaft and equip the mine for business. The three mines above named located in the city are now owned by one company and under one general management, and being thus carefully and economically controlled are proving a profitable investment.

The Carr Coal Mine. This mine is located at the town of Richardson, on Atchison, Topeka & Santa Fe R. R. about two miles south of the city. It was sunk about two years ago. It is principally owned by capitalists in our city and has proved a valuable investment, being managed on strict business principles by careful and prudent men.

Of course a greater number of miners are employed in the winter season when the demand for coal is greater. These four mines give steady employment the year round to from 1,000 to 1,200 men at good wages.

CHAPTER XL.

Manufactories, Railroads, Etc.

I SHALL not attempt in this brief sketch to go into detail of the manufactories of our city, that would be the work of a half-dozen chapters at least, and would not be interesting or profitable to the general reader, in a work of this kind particularly, as I am endeavoring to confine myself to the early history of the town, so far as is practicable.

The first factory, as I call to mind, established in the town was the furniture factory of Mr. Fogarty, on the northwest corner of Fourth and Cherokee streets, in the fall of 1855. It was quite successful for two or three years, but unfortunately destroyed by fire, and as the owner had no insurance he was unable to rebuild.

In the spring of 1856, Woods & Abernathy started a small furniture factory, on the northwest corner of Second and Seneca streets; being men of great push and energy, it was a success from the start. In course of time Mr. Woods sold out his interest to Col. Abernathy, who enlarged and extended the plant, until it became one of the most important enterprises in the city, and he still continued to enlarge and increase its capacity. Since the Colonel's death, under the control and superior management of his son, Omer Abernathy, one of the live and energetic young business men for which our city is so justly celebrated, at the present day it has maintained and increased its former prestige.

Perhaps, one of the most striking illustrations of what pluck, energy and excellent business management will accomplish, is most strikingly demonstrated in the case of The Great Western Stove Works, and The Great Western Foundry and Mill Machinery Works. In the spring of 1857, A. E. Maison and E. P. Willson, started a small foundry and machine shop in a small

frame building, on the south side of Cherokee street between Second and Third streets. In a short time, business so increased that a brick building was added and Mr. Estes, the foreman of the machine works, became a member of the firm, known as Maison, Willson & Estes. In due course of time, Mr. Maison sold out his interest to Mr. Willson, and returned to New York state. Mr. Willson continued to push and expand the business, by adding the stove manufacturing business to the foundry and machine works. In course of time, Mr. John Wilson, one of our leading merchants, became a member of the firm, Mr. Estes went out. The new firm of Willson & Wilson, added new capital and increased energy to the rapidly expanding business. In a few years the combined enterprise of stoves, and foundry and mill machinery and steam engine building had assumed such huge proportions that it was deemed advisable to divide the business. Mr. E. P. Willson took Mr. N. H. Burt with him and they took up the stove works, establishing the Great Western Stove Works, one of the largest stove foundries in the West. John Wilson organized the Great Western Foundry and Mill Machinery Works, second to none in that line in the country. Thus it will be seen that in a few years from a small frame shop employing four or five men and a few hundred dollars capital, has grown up an immense enterprise covering two blocks of the city with foundries, machine shops, warehouses, office buildings, etc., and employing nearly or quite 800 men and over a million of dollars of capital invested.

Wagon Factories. This is another enterprise of small beginnings, especially is this true in the case of the W. G. Hesse & Son, factory a few years ago limited to a small shop employing three or four hands. It has now developed, by the skill, energy and untiring perseverance of its proprietors, to its present large proportions, employing 100 men and over $150,000 capital in the manufacture of all kinds of wagons and sending its product into every state and territory of the great west and southwest.

Bag Factory. This is another enterprise which had its commencement in a small way, but by the push and energy of its proprietor, W. A. Rose, it has become one of the leading enterprises of the city.

Iron and Steel Bridges. Leavenworth has been justly celebrated for years on account of the skill of her mechanics in the construction of iron and steel bridges which span every navigable river and many small streams, from the Mississippi river west to the Pacific ocean and south to the Gulf of Mexico and still the demand increases and the great work progresses, as fast as labor and increased capital can develop it.

We have already devoted a chapter to our flour and other mills and it would not be profitable or interesting in a work of this kind to review the many manufactories of almost every kind, with which our city abounds, and which furnish employment for so many busy and willing hands.

Water Works and Sewerage. It is safe to say that no city even of double its size and population has a more complete and perfect system of water works, both on the direct pressure and the Holly system of gravitation combined, than has Leavenworth, with its powerful pumping machinery, its immense reservoirs and settling basins, its hundreds of miles of water pipes of all sizes, its hundreds of fire plugs or hydrants which furnish an abundance of water in case of need, forcing water over the highest building in the city through a long lead of hose in the hands of our vigilant and skillful firemen. What is true of our water system is equally true of our foul water sewerage system, not excelled by that of any city in the entire country.

The Electrical and Gas Lighting of our city is also a source of pleasure and satisfaction to our people, we trust the day is not far distant when our city will be supplied with an abundance of natural gas, at a price that will place it within the reach of all who desire to enjoy its benefits Since the above was written natural gas has been supplied.

It perhaps might not be out of place if I should go back a little in the history of the city and gather up a few of the threads of our story, that we neglected to weave into the warp and woof in passing along the pathway of our city's advancement in its early days. After the first public sale of town lots in October, 1854, heretofore fully referred to, but little building was done that fall. The next spring the town progressed very rapidly, a large number of houses were constructed during the season. A city soon sprang into being as if by magic. By the next winter the population had reached about 1,200 or 1,500 inhabitants,

several stores of different kinds had been opened; also hotels, boarding houses, lawyers and doctor's offices, etc. During the year 1856, owing to the troubles in the territory, the town remained nearly stationary in growth and population until the spring of 1857, when it again took giant strides, business of all kinds increased rapidly; houses of every description were built in all parts of the city, and roads were opened to all the back country. The enterprising firm of Russell, Majors & Waddell of Lexington, Missouri, government contractors and freighters, had made this their outfitting and starting point for their immense trains across the plains. The Kansas Stage Company had also centered their headquarters at this city.

Up to this time the title to the land upon which the city stood had not been procured from the government. In February, 1858, the townsite was sold at Fort Leavenworth, William H. Russell acting as the agent and trustee of the old Leavenworth Town Association, and, for their use and benefit, bought in most of the lots as they were sold. The price paid was over $24,000. The town was sold by the plat, and as laid out by the company, each lot by itself. The company, or association, furnished Mr. Russell with the money to pay for it. He afterwards deeded the lots to those who were entitled to receive the title. Some lots were struck off to persons who were occupying them at the time. It was believed at the time to be a great outrage to compel the town company to pay the Indians for the improvements they had put upon this tract of land There was thought to be no good reason or sense in compelling the Town Company to pay such an extraordinary price for that particular 320 acres of wild land, when, outside of the city limits and additions, it sold at the appraised value by the acre; but this was one of Indian Commissioner Manny Penny's sharp tricks, it is alleged, because the Town Company refused to give him a large interest in the town for his influence. In November, 1857, previous to the sale of the townsite, the lands outside of the city being Delaware Trust lands, in the county of Leavenworth, that had been ceded to the government by treaty were sold at Fort Leavenworth. The squatters having been in possession of most of them for three years and more, and opened and cultivated farms, stood by each other in protection of their homes. No one offered, or would have been permitted to bid,

against the squatter, and they all obtained their claims at the appraised value of two dollars and fifty cents per acre.

In the fall of 1857 the population of Leavenworth had reached nearly 5,000. No other city in the world, except San Francisco, ever equaled the rapidity of its growth. In July, 1858, the largest portion of the business part of the city was destroyed by fire. This unfortunate disaster did not materially check or retard the growth of the city, for, in the short space of a few weeks, the ruins had been removed and large, fine, and, in most instances, elegant brick blocks supplied the places of the cottonwood frames that had been destroyed

The census of 1858 showed the city to contain a population of over 10,000 inhabitants. About the 1st of January, 1859, the telegraph was extended from St. Louis to this city, its western terminus on this side of the Missouri river. During the fall of 1858 and spring of 1859 the principal business streets of the city were graded, sidewalks laid down, streets curbed guttered and macadamized. Also, during the summer and fall of 1858 the then largest and most elegant market-house above St. Louis was built. The upper or second story conta ned a large city hall and court room and offices for all the city and county officials. The lots were donated by the old Town Association. The building cost about $15,000. In 1859 the city graded and paved the levee at an expense of $20,000. In the same year the gas works were constructed and by about the 1st of November, 1859, the mains were laid down in the principal streets of the city. In the spring of 1859, Jones, Russell & Co., started their Pike's Peak Express from this city. Coaches left here daily, carrying the mail to Pike's Peak (as it was then called) and Salt Lake. Regular freight trains also left here for the above points weekly. The population of the city about that time was nearly 15,000 and increasing rapidly It was the largest city above St. Louis. The financial crisis which swept over the country in 1857 was not felt to any great extent in Leavenworth till the summer of 1859. The rapid growth of the city was stayed somewhat, but still improvements continued to go forward slowly, as the town had outgrown the country. Slow progress was made for a year or two, although business became more stable, better buildings were being erected and a more general enterprise was diffused throughout the community to encourage legitimate trade and avoid speculations in

fancy prices for real estate. The effects of the war upon many towns in the country was almost disastrous, but it had the contrary effect upon Leavenworth. She grew in wealth and population very rapidly. At the close of the war in 1865, Leavenworth had a population of not less than 20,000 inhabitants, and continued to increase till 1870. In 1865 and '66 the city and county both loaned their credit by taking stock, and voting bonds to pay for the same, in several railroads running into the city. The investment has not proved a very good one for the city or county. Her present railroad facilities are excellent.

The first railroad to reach the city was the Missouri River Road so called from Kansas City. which was afterwards extended to Atchison, by the Leavenworth, Atchison & Northwestern Railroad, thence north to Omaha and all of them passed into the control of the Missouri Pacific system. The next was the Kansas Pacific from Lawrence, then the Rock Island over the iron bridge near Fort Leavenworth. Then the Kansas Central (narrow guage) now widened to a broad guage and part of the Union Pacific system. The Leavenworth & Topeka railroad the A. T. & Santa Fe, the Leavenworth, Wyandotte & North-Western, the K. C., St. L. & Council Bluffs, part of the Burlington system over the new bridge. The K. C. & Leavenworth trolley line is part of our street railroad system. Our street railway first run by mule power, then by steam power and now by electricity.

CHAPTER XLI.

First Members of the Legislature.

THE first members of the territorial Legislature elected from Leavenworth county, at the election held the thirtieth of March, 1855, were: Hon. R. R. Rees, for a number of years probate judge of this county, and Gen. L. J. Eastin, editor of the Herald, both since deceased, as members of the territorial Council; Col. William G. Mathias, Judge A. D. Payne, both deceased, and Hon. H. D. McMeekin, late of Topeka, as members of the lower house of the Legislature. Gov. Reeder declined to issue them their certificates at this election, and ordered a new one, which took place on the twenty-second of May, 1855. The same gentlemen were elected again, and entered upon their duties at the proper time.

I am not positive as to the precise location of the first county officers after the permanent location of the county seat at Leavenworth and the organization of the several county offices. I refer to the Board of County Commissioners, the county clerk, county treasurer, register of deeds, sheriff and probate judge. The clerk of the district court had his office in a room adjoining the district court and the sheriff during the session of court had his office in the same or adjoining room. The first location of the above offices for a time at least, was in the brick building on the north side of Delaware street near the corner of Main street on the second floor, entrance on Delaware street up the present broad stairway. They were next removed to the southwest corner of Third and Cherokee streets, second story over Henry & Garrett's grocery store, now Rohlfing & Co's. warehouse, entrance on Third street by the iron stairway lately removed. They remained here a number of years when they were again removed to the southeast corner of Fifth and Cherokee streets, sec-

ond story next to the alley and north, over where T. T. Reyburn's hardware store is situated, (it was known as the Scott building at the time,) where they remained till removed to the court house as before stated. During this time the county had erected a two-story stone and brick building on the north line of the court house square and about midway from Third to Fourth streets. The first story was occupied as a county jail and the second story was used as the probate judge's office and court room and the sheriff's office. In the jail yard, on the west side of the building, was where the first legal hanging was done by the sheriff in this county, the victim was Carl Horn on the ——day of———— 185–. Prior to this time the county prisoners had been detained in the city jail. After the erection of the present court house and jail, this building was torn down to relieve the view of the court house and grounds.

The First County Officers and the Rooms They Occupied.

It is not proposed in this sketch to give a list of the county officers from the organization of the county to the present time, that would be too prolix and uninteresting. I shall confine myself to a brief recital of the members of the first board of county officers, and in addition, the different rooms they occupied in the city until they with the courts were safely housed in the present county court house in February, 1874, this I deem is a part of the early history of the city. The following concise sketch I copy from a compilation made by the writer in 1878 and published in the Atlas map of Leavenworth county, Kansas.

The first Board of County Commissioners for Leavenworth county consisted of Hon. John A. Halderman, probate judge and *ex-officio* president of the board; Joseph M. Hall, both of Leavenworth city, and Mathew R. Walker, of Wyandotte village, then in Leavenworth county. They held their respective positions by virtue of the action of the joint session of the legislative assembly of the territory of Kansas. The commission of Judge Halderman bears date twenty-seventh day of August, A. D. 1855; that of J. M. Hall, the same date; and of Mathew R. Walker, twenty-ninth of August, A. D. 1855. They were all issued and signed by Daniel Woodson, acting governor of the territory of Kansas, at the Shawnee Manual Labor School.

The Board first met on Friday, the seventh day of September, in the year A. D. 1855, at the warehouse of Lewis N. Rees, at the corner of Delaware and Front (or Water) streets, north side, in the city of Leavenworth, and were duly sworn into office, and their commissions and oaths of office duly presented and ordered to be spread upon the record.

Their first official act was to appoint James M. Lyle clerk of the Board of County Commissioners, and *ex-officio* recorder and clerk of the probate court. The second step or act of the Board, was to divide the county of Leavenworth into municipal townships.

The next action of the Board was the appointment of justices of the peace and constables for the several townships. Wiley Williams was appointed justice of the peace, and S. W. Tunnel, constable of Kickapoo township. R. R. Rees was appointed justice of the peace, and Thomas C. Hughes, constable of Leavenworth township. L. F. Hollingsworth was appointed justice of the peace, and Wilson Fox, constable of Delaware township. John W. Ladd was appointed justice of the peace and Ethan A. Long, constable of Wyandotte township. The next action of the Board was to make the city of Leavenworth temporary county seat. It then adjourned to the next day, the 8th of September, 1855. The next morning they met and the first action was to appoint judges of election and select places in the several townships to hold an election on the first day of October, 1855, for the purpose of electing a delegate to Congress.

The next action of the Board at the same meeting was the appointment of judges and places of holding election in the several townships for the determination of a permanent county seat, on the second Monday in October, A. D. 1855.

The board then adjourned to Monday, the seventeenth day of September, A. D. 1855. On that day they met and appointed H. P. Johnson, justice of the peace of Leavenworth township, and fixed the bond of constables at $800.

They met again on the twenty-fourth day of September and appointed Alex. W. Russell, a third justice of the peace of Leavenworth township, and G. B. Redman, justice of the peace of Delaware township. Petitions for the appointment of county treasurer, surveyor and assessor were read and laid over. The Board adjourned to the tenth of October, 1855. Board met—

all present. Maj. M. P. Rively was appointed county treasurer. Bond $15,000. Bennett Burnham appointed county surveyor. A county seal was ordered.

At the next meeting of the Board, October 16, 1855, the canvass of the ballots for the permanent county seat, came up. The rivals were Leavenworth, Kickapoo and Delaware, and each were represented by the ablest attorneys at the bar at the time. Protests and motions of all kinds were made, and arguments of attorneys were heard. A majority of the Board, Messrs. Walker and Hall, Judge Halderman voting in the negative, decided to count the votes. Delaware had received on two days' voting, 929 votes; Kickapoo, 878 votes one day; and Leavenworth city, 726 votes—and several scattering votes at other points in the county. The two judges declared Delaware the county seat, and Judge Halderman refused to give any certificate of election. It is now conceded by all parties that this was not a fair or honest election.

James B. Blake was appointed coroner of the county, Thursday, January 24, 1856, and L. T. Moore appointed assessor, Benjamin F. Twombly having declined the appointment. At the same meeting, Messrs. Hall and Walker alone being present, it was ordered that the Board would rent a building for county offices, twenty feet by thirty, with two rooms, ten by twenty, to be built in Delaware city, by G. B. Redman, for $200 rent annually, to commence from the day of occupancy.

G. D. Todd was the first sheriff of the county of Leavenworth, appointed by the acting governor, and H. D. McMeekin, under sheriff.

The county seat was removed to Delaware city, February 20, A. D. 1856. The Legislature passed an act to locate permanently the seat of justice of Leavenworth county, and fixing the election to be determined by the people at the next election for members of the Legislative Assembly of the territory, to be held on the first Monday of October next, 1856. The election was held at the time fixed by law, and Leavenworth received the highest number of votes, and the county seat was permanently fixed at that point, where it has remained ever since. For a number of years the courts and all the county offices were held in the City Hall, over the market-house, corner of Fifth and Shawnee streets. In 1873, the county completed one of the

largest, best arranged and handsomest court houses in the West, with all the modern improvements of gas, steam heating, vaults for all the offices, etc., etc., and the courts and offices were removed into it, February, 1874. The original cost of the court house and all the appurtenances, was as follows: Court house square donated by the original purchaser of the land; court house building cost $120,415.75; cost of clock, $2,751.30; cost of steam apparatus, $11,465.12; cost of fixtures, $1,556.24; cost of furniture, $6,416.81; total cost, $142,596.22. The city officers also occupy rooms in the building.

CHAPTER XLII.

Military Reservation of Fort Leavenworth.

THIS is one of the largest, most valuable and choicest reservations belonging to the military department of the United States. It was undoubtedly selected in the first place on account of its elegant and commanding position, and the great beauty of its surroundings, as well as the healthy situation. It is truly a lovely and charming spot naturally, and of late years it has been greatly beautified and improved under the skillful and energetic care and management of the department commander, Maj. Gen. John Pope, and his successor in command of the Post. The Post of Fort Leavenworth was the headquarters of the Department of Missouri at that time. The reservation, or at least that portion of it which lies on the right bank of the Missouri river, is within the county of Leavenworth. A small portion of the reservation lies across the Missouri river, opposite the Post, in the state of Missouri. It has been generally supposed and so reported, that Fort Leavenworth, as it is now called, and the reservation attached thereto, was established by Col. Leavenworth, by order of the War Department on the twenty-first day of June, A. D. 1826, and called Cantonment Leavenworth. By the subjoined "History," it would appear that it was 1827 instead of 1826:

"History of Fort Leavenworth Reservation.

"Orders from Adjutant-General's office, March 7, 1827, direct Colonel Leavenworth, third infantry, with four companies of his regiment, to ascend the Missouri river, and when at a point on its left bank, near the mouth of Little Platte river, and within a range of twenty miles above or below its confluence, to select such position, as in his judgment, is best calculated for the site of a permanent cantonment. See Appendix 'A.'

HEADQUARTERS AND BARRACKS AT FORT LEAVENWORTH 1848

"Colonel Leavenworth, under date of May 8, 1827, writes from camp 'Mouth of Little Platte,' that after a short examination of the country, there was no good site for a military Post on the left bank of the Missouri within the distance of the place mentioned in the general orders from the Adjutant-General's office, and accordingly proceeded up the river some twenty miles and found a very good site for a cantonment on the right bank of the Missouri, about twenty miles from the mouth of the Little Platte, and concludes that there is no other place that will answer the purpose required within the prescribed distance of that river.

"July 11, 1827, Colonel Leavenworth writes that he has not yet received an answer to his letter of May 8, 1827, and consequently does not know that his selection of the site for a cantonment will be approved. Has, however, commenced the erection of the quarters, and called the Post Cantonment Leavenworth, as appears from the Post return.

"September 19, 1827, Adjutant-General R. Jones informs Major-General Gaines, commanding Western department, that the site selected by Colonel Leavenworth for a permanent cantonment, in virtue of general orders of March 7, 1827, is approved by the General-in-Chief. The selection of the 'right' instead of the 'left' bank of the Missouri, for the reasons assigned by Colonel Leavenworth in his report of the 8th of May, is deemed to be judicious, and is therefore approbated.

"The troops were withdrawn May 16, 1829, (but a detachment may have remained at the Post.)

' The Post was re-occupied August 12, 1829, and continued so up to the present date.

"In general orders No. 11, February 8, 1832, the Secretary of War directs that all cantonments be called forts. Hence its present name—

"Fort Leavenworth.

"The first reserve known in Adjutant-General's office, as having been declared by the President, is of date June 21, 1838.

"The land held as reserved extends from six to seven miles along the Missouri river, and varies from one to two miles wide, containing about 6,840 acres.

"The reservation is on the right bank of the Missouri river, and about one hundred and fifty feet above its surface. Latitude 39° 21′ north; longitude 94° 44′ west.

"On October 10, 1854, a new reservation was declared by the President.

"Referring to Vol. 10, Stat. at Large, p. 1048, Art. 1, will be seen the treaty made with the Delaware tribe of Indians, May 6, 1854.

"Attention is invited to the Quartermaster-General's report to the Secretary of War, December 4, 1871, as follows:

" 'The state (Kansas) was admitted to include all territory within certain boundaries, except certain Indian lands which by treaty with Indian tribes, could not be included in any state or territorial governments, without consent of such tribes.

" 'I fear, therefore, that the United States has ceded away its exclusive jurisdiction over the reservation.

" 'I am not advised of any law ceding such jurisdiction back to the United States.

" 'Whether, under the Constitution, the reservation of this land as a site for a military Post and public buildings, takes it out of the effect of the law of 1859, I am not able to decide.

" 'As appears from the report of the Department Commander, under the decision of the Commissioner of the General Land Office, the boundaries of the Indian claim as allowed, would barely include the actual buildings of the Post proper, leaving outside, as far as can be ascertained, hospital, guard-house, arsenal buildings and grounds, upper farm and corrals, forage and hay yards, wagon sheds, National cemetery, and indeed all that is valuable on the reservation, except the actual buildings of the Post proper.

" 'I recommend, as the question is a very important one, that it be definitely settled by competent authority, and, if it can be legally done in such manner as will not impair the present usefulness of the reserve as a site for a military Post and government buildings.'

"APPENDIX 'A.'

"ADJUTANT-GENERAL'S OFFICE, March 7, 1827.

"ORDERS.

"EXTRACT.

* * * * * *

"2.....Col. Leavenworth, of the third infantry, with four companies of his regiment, will ascend the Missouri river, and when he reaches a point on its left bank, near the mouth of Little Platte river, and within a range of twenty miles above or below

its confluence, he will select such position as, in his judgment, is best calculated for the site of a permanent cantonment. The spot being chosen, he will then construct, with the troops of his command, comfortable, though temporary quarters, sufficient for the accommodation of four companies.

"This movement will be made as early as the convenience of the service will permit.

* * * * * * *

"5.....All facilities requisite for carrying the provisions of this order into effect will be furnished by the proper Departments of the Staff, and the Commanding General of the Western Department is charged with its execution.

"By order of Major-General Brown.

"[Signed,] "R JONES, *Adjutant General.*

"REMARKS.

"Joint Resolution of Congress 'approved February 9, 1871,' authorizes the sale of a portion of the Fort Leavenworth Military Reservation to the Kansas Agricultural and Mechanical Association, of Leavenworth county, in the state of Kansas, for fair grounds.

"Act 'approved July 27, 1868,' grants the right of way to certain railway companies over the Fort Leavenworth Military Reservation.

"Act 'approved July 27, 1868,' donates a portion of the Fort Leavenworth Military Reservation for the exclusive use of a public road.

"Act 'approved July 20, 1868,' authorizes the sale of twenty acres of land in the Fort Leavenworth Military Reservation to the Leavenworth Coal Company."

In addition to that portion of the reservation occupied by the fort proper, there are two large farms—the upper and lower—the one above the Post, north, in the bottom, and the one south. Both are in a high state of cultivation. They are the only farms that have proved a success when cultivated by the government. There are three railroads passing across the reservation—the Leavenworth, Atchison and Northwestern, leased and operated by the Missouri Pacific, running along the west bank of the Missouri river across the reservation, north and south; the Rock Island and Pacific railroad, entering the reservation from the east, near the Post, over the great iron bridge which spans the Missouri

river at this point; the Kansas Central (now L. K. & W.) which enters the reservation at the northeast corner on the river, and meanders northwest through the lower farm. The reservation lies immediately north, and adjoining the city of Leavenworth. The Post or fort lies about two miles north of the city. A splendid macadam drive connects the two points. The best of feeling has always existed between the officers with their families at the fort, and the citizens of the town, and their meetings and greetings have been very cordial. During the summer a series of military concerts are given by the band stationed at the Post, which the people of the city take great pleasure in attending. At the public and private entertainments given in the city the officers and their families are cordially invited, and appreciate the kindness shown them. Ever since the establishment of Fort Leavenworth, or at least since the Mexican war, in 1847, it has been the great depot of supplies of all kinds for the Posts west to California and New Mexico, and south to Texas, Oklahoma and the Indian Territory. This fact has caused a great demand for quartermaster and commissary stores of all kinds at this point. Thousands of dollars have been annually paid out to farmers and contractors and like amounts are annually being expended. The citizens of Leavenworth and vicinity are the recipients of this vast and ofttimes profitable trade. Within the past five years, over five million dollars have been expended by the government at Fort Leavenworth in the erection of new barracks for soldiers, officers quarters, hospital, school buildings, stables, warehouses, and the improvement of the grounds, as much more will be required in the next five years to complete the plans proposed by the War Department, to meet the demands for the increased number of officers and soldiers which are to be stationed at this the most important military Post in the West. These improvements furnish profitable employment for a large number of contractors and employes and also distribute large sums of money among our merchants for materials furnished in the construction and completion of the work.

The first white settlers in the county, doubtless, were employes of the government at Fort Leavenworth. From the best information we can obtain, Elder W. S. Yohe had charge of the upper government farm in 1840 and was doubtless the first white settler not an officer or soldier. Col. Hiram Rich became

OLD STONE WALL FORTIFICATION, FORT LEAVENWORTH (STILL STANDING)

sutler at Fort Leavenworth about the same time Mr. Yohe became farmer. At the first organization of the Leavenworth Town Company in 1854, W. S. Yohe became one of the Town Company and one of the first trustees. He settled on his farm in Delaware township in 1859, and in a few years after went to California for his health. In course of time he returned to our city where he resided until his death several years ago, highly honored and respected as a good citizen and a Christian gentleman. Col. Rich died at Leavenworth over twenty-five years ago. Saml. D. Pitcher was also an old settler, and a farmer at the Post long before this county was settled. He was an owner of town shares in the original Town Company. He moved to Liberty, Clay county, Missouri, where he died. Geo. B. Panton, a brother-in-law of Maj. E. A. Ogden, quartermaster at the fort, had charge of the lower government farm in 1850. He was an active member of the Town Company, and died several years ago. Lafayette Mills, Esq., was chief clerk in the quartermaster's department at Fort Leavenworth, years before this county was settled. He lived here in the west part of the city several years before his death, a prominent and influential citizen. He died several years ago leaving an amiable and highly respected widow and daughter who still reside here.

A number of years ago, the War Department of the government transferred the Military prison at Fort Leavenworth to the Judicial Department, and it was immediately occupied as a Federal prison, as it was not large enough to accommodate the steadily increasing number of federal prisoners in the west and southwest portion of the United States. Congress set apart a portion of the Military Reservation of Fort Leavenworth, west of the Main avenue and adjoining the city on the north, and made a liberal appropriation for the erection of a Federal Prison. The work was commenced at once, Congress making additional appropriations each year as the work progressed for the past five years. The prison stands on an elevated spot on Metropolitan avenue facing the city on the south at the north end of Thirteenth street and the Ottawa line of the street railway. A majority of the prisoners have already been transferred to it. When completed it will be the largest and best appointed prison in the Union, a model prison in every respect. When finally completed the old Military prison at the fort will be turned back to the Military authorities for confinement of military prisoners.

CHAPTER XLIII.

The Early Ministers, Priests and Pastors of the City.

THE writer regrets exceedingly that he was unable to ascertain with any degree of certainty, the names of all of the early ministers, priests, rectors and pastors, who labored so earnestly and faithfully in their Master's vineyard in the early days of our city and did so much for the material advancement and welfare of our people and the building up of her moral and religious interests.

The writer has, incidentally, in these sketches, spoken of a few of the more prominent of these religious teachers as the mention of the church over which they presided brought them into view. He attempted no sketch of the lives of these holy men and faithful servants, even had he known them intimately, he would leave that to abler and better hands. He will only add a few names as he calls them to mind, in addition to those previously mentioned. None who knew them will forget. The Revs. Pitzer, Brown, Reaser, Woodward and Page, the devoted workers in the Presbyterian church; Revs. Fisher, Mitchell and others of equal merit and zeal in the Methodist church; Revs. Scott, Kalloch and others of the Baptist church; Revs. J. H. Byrd, R. D. Parker, Wm. Kincaid, H. L. Hubbell, J. C. Bodwell, John Baldwin, W. H. Thomas, Ralph Newman, J. H. Jenkins and Thos. M. Boss of the Congregational church; Elder W. S. Yohe, Revs. A. A. Bartholomew, John F. Rodgers, John O'Kane, Calvin Reasoner, Jas. J. Sloan, J. P. Bauserman, F. M. Rains of the Christian church; B. L. Baldridge, Cumb. Presbyterian church; Rectors Stone, Egar, Barry and others of the Episcopal church; Rev. Fathers Fish, Hyman, Defouri, Fitzgerald, Cunningham and other celebrated priests of the Catholic church. Of the early Jewish Rabbis the following names I call to mind:

Rabbis Jacobs, Kalish, Machol, Brill, Saft, Raphael, Stemple, Meyers, Rubenstein, Rosenspitz, Marks, Frey, Kahn, Liknaitz. The first Jewish worship in this city was held in 1855. Some of our first merchants who commenced business in our city in 1855 were Jews. The first Jewish congregation organized was in 1859. The first synagogue was built in 1864, corner of Sixth and Osage streets.

APPENDIX

INCIDENTS PERTAINING TO THE EARLY MEMBERS OF THE LEAVENWORTH COUNTY BAR.

AUTHOR'S NOTE

In addition to the foregoing "Early History of the City and County of Leavenworth," the writer has added the following sketches of the early lawyers who were admitted to the bar, took the prescribed oath, and signed the roll of Attorneys of the First Judicial District of the Territory of Kansas, from the organization of the court in this city in April, 1855, to the admission of the state. In the order in which their names appear on said roll, now on file in the clerk's office of the District Court of Leavenworth County, Kansas.

A List of Practicing Attorneys
in the First Judicial District, Territory of Kansas
Up to the Admission of the State

admitted to the bar in this city, as their names appear upon the original roll of attorneys as signed in their own hand-writing and kept in the district court clerk's office, which roll is still being signed by each attorney as he is admitted to the bar on motion or by examination.

The following named gentlemen took the following oath of office and signed the roll of attorneys at the organization of the first court held in the territory and in this city on April 18, 1855. As I have previously stated there was no special business done at this meeting of the court, except as above, as there was no business to be done, and the court adjourned to September, 1855.

It must be borne in mind that this was a United States territorial court under the laws of the United States and governed by those rules and laws as applied to territories and the provisions of the Kansas-Nebraska Bill, under which we were admitted. As soon as a territorial Legislature was elected and had met and passed laws, and a code of procedure, and provided terms of a territorial court, the courts were duly organized as such, and the wheels of justice set in motion with proper territorial and county officers in each organized county in the territory. There were but three judges and each assigned to a separate district. As soon as possible before the time set for the organization of the courts by virtue of the territorial laws had been reached and that there might be no conflict as to time of meeting, as the same judge would ex-officio hold both courts, one of them was adjourned to the time of the regular meeting of the other court as provided by law. This prevented any friction and both courts were held fully equipped and moved on in regular order, under the charge of the several officers as provided by law.

All of the attorneys who took the oath of office and signed the roll were not necessarily residents of the town, but came to attend court as they had, or might thereafter have business before it. The object in publishing the oaths at this time in this connection is to simply show what kind of oath only was required at the organization of the court, and an entirely different oath, at least with additional provision, was required six months after, when it was evident that perchance a class of attorneys who might entertain different views upon the question of slavery in the territory of Kansas would apply to be enrolled as members of the bar of this district, thus will be seen the partisan spirit which

had already been developed in other transactions and would soon reach a culminating point and no doubt break out in open revolt, being insidiously ingrafted into even the oath required to be taken by attorneys who desired to practice law or appear before this honorable court. Ordinarily there being no special form of oath required by statute to be taken by attorneys, I opine the Judge would have the right and it might be his duty to prescribe the form of that oath; who ordered or caused the oath to be changed at the regular adjournment of the court in September, 1855, deponent saith not.

CHAPTER II.

A List of the Lawyers of the Territorial Days of Kansas, of the First Judicial District and Who Signed the Roll of Attorneys and Took the Following Oath of Office, as Their Names Appear on Said Roll in the Order and Date in Which They Were Enrolled and Signed the Same, in Their Own Hand-Writing. Said Roll is on File in the Clerk's Office of This First Judicial District of Kansas at the Court House in This City. Together With A Brief Sketch of Each Member so Signing, as Remembered By the Writer, Who Was Personally Acquainted With Most of Them.

AS we have said in a previous article, the first territorial court held in Kansas, was organized April 16, 1855, and met in this city in a room over J. L. Roundy's furniture store on the south side of Delaware street between Second and Third streets, in a two-story frame building (afterwards burned in the big fire of 1858) and located at or near where the law office of L. B. and S. Wheat now stands. Said court was presided over by Judge S. D. Lecompte, who had been designated by the President to preside over the court of the First Judicial District, then comprising all that portion of the territory east and north of the Kaw and Blue rivers. Many of the gentlemen who signed the roll were non-residents of the city and some of them never practiced law here or at least, but little.

The following oath of office was administered to each attorney by the clerk of said court before signing the roll:

"I.....do solemnly promise and swear (or solemnly, sincerely and truly declare and affirm,) that I will well and properly behave and demean myself in the office of Attorney of the First District Court for the First Judicial District of the

territory of Kansas, in all things appertaining to the duties of such office, according to the best of my skill and judgment, and that I will support the constitution and laws of the United States and of said territory. I believe in the divinity of the Christian religion."

The first one to sign the roll as appears on record was John A. Halderman, attorney-at-law, April 19, 1855. Mr. Halderman came to the territory in the fall of 1854. He first stopped at Fort Leavenworth and soon after he located in this town and opened an office. A short time after, Governor Reeder appointed him as his private secretary and he remained as such for nearly a year, when he resigned and commenced the practice of law in this city. After the organization of the county of Leavenworth by the territorial Legislature of 1855, Judge Halderman was appointed probate judge and ex-officio a member of the Board of County Commissioners of the county of Leavenworth. As such commissioner he was true and loyal to the city of his adoption as against the fraudulent assumption of Kickapoo and Delaware in the trial of the location of the county seat of Leavenworth county in 1856. In this contention, as is well known and as we have spoken at length in the early sketches of Leavenworth on this subject, that delectable and much voting burg, Delaware, by the decision of a majority of the county board became the county seat for a short time. Judge Halderman afterwards opened his law office in a frame building which he had erected on the southwest corner of Shawnee and Second streets. Capt. W. S. Stanley, of the far-famed Shield's Guards, was his law partner for a number of years, under the firm name of Halderman & Stanley. When the Civil war broke out in the spring of 1861, Judge Halderman was among the first to respond to President Lincoln's call for volunteers; he assisted in organizing the 1st Kansas Volunteers and was commissioned Major. He was in the battle of Wilson Creek, where he distinguished himself by his bravery. He was afterwards commissioned a Brig.-General by the President and shortly after the close of the war was appointed U. S. minister to Siam, where by his skill and ability he greatly advanced the commercial interests of the U. S. with that country and received marked credit for the same from the State Department of this country. He now resides in Washington, highly honored and respected. He is but one of

the very few of the early lawyers and settlers of this city and state still living.

The second name on the roll of attorneys is that well known and distinguished citizen, Richard R. Rees. Who in this city and state and more especially in Masonic circles, does not remember or was not acquainted with Hon. R. R. Rees in his lifetime. He came to Leavenworth in the fall of 1854 from Missouri and opened a law office; of course but little law business was done here at that time. He was elected to the first territorial council in the spring of 1855 as one of the members of that body from this city and county, and as chairman of the judiciary committee he doubtless prepared and had passed more laws by that Legislature than any half-dozen members of that body. So anxious were they to pass a full code of laws for the territory at this first session, that they adopted them bodily from the statutes of Missouri, in several instances leaving in the word "state" of Kansas, instead of "territory" of Kansas. So that before the close of the session they were obliged to pass a special law, saying that where the word "state" occurred, it should read, "territory". Judge Rees was unfortunate at that session, in this respect, so eager was he and others of like ilk, to fasten the institution of slavery upon the people of the territory *nolens volens*, that he prepared, and had passed, that outrageous and cruel statute, entitled "Slaves,—an act to punish offenses against slave property, Chapter 151, pages 715, 716 and 717, laws of 1855." The Judge deeply regretted in after years his part in the passage of this law, when he became better acquainted with the Free State citizens of our city and state, many of whom were among his most devoted friends to the day of his death and still cherish his memory with the most sincere respect and affection. After his return from the Legislature he was elected probate judge of this county and also justice of the peace for a term of years, both of which offices he filled with credit to himself and the honor and esteem of his fellow citizens. As there was a poetical and musical vein of humor permeating the mental and physical composition of Uncle Dick Rees, as he was familiarly called by his friends, it may not be out of place to relate one or two anecdotes, illustrative of this pleasing peculiarity of our old friend. He occasionally courted the rhyming muse, but his best efforts were shown in more plaintive musings, some of which have been preserved. Another trait

of his musical character was his fondness of dancing, not the new fangled fancy dances of the present day, but the good old fashioned dances of olden times as he called them, Virginia reel, Money Musk, quadrille, etc., etc. The Judge rarely ever missed a public ball in those early days. He always wore on these occasions a blue broadcloth, swallow-tailed coat with brass buttons and closed with one button near the top a-la Daniel Webster fashion. As he recognized that music was the poetry of motion, when the band began to play, Uncle Dick began to dance; he gave but little attention to the prompter, so that he got in all the motions and missed no steps. In the quadrille for instance, if the call was "alamene left and swing your partners," he invariably turned to the right and swung or tried to swing the lady on his right and the same in ladies to the right and all hands around. He always turned the wrong way and circled around with the wrong lady, leaving his partner to get back to her place the best way she could. At first these peculiar motions and changes of Uncle Dick were annoying, but as he seemed so anxious to dance and do the right thing if possible, his antics only created merriment than otherwise. He always insisted that he had a "bully good time" and I "reckon" he did, whether others did or not.

I call to mind a rather amusing incident in which Judge Rees was the central figure. Judge Pettit was holding court in the present city council chamber, which was then used as a court room, one afternoon, most of the members of the bar were present. It was motion day if I remember aright and the arguments of counsel were dragging along slowly, the Judge was seated on the rostrum listening attentively to the arguments, but almost hid from view by the high counter in front of him. Uncle Dick was seated directly in front and below the Judge and completely hid from his sight, dressed a little slovenly with slippers on, his socks down to his heels, his pants evidently cut in high water, up to his knees, showing his little bare, freckled, red legs from his knees down to his heels, his feet braced against the table in front of him and hanging by the back of his head to the top of his chair, (a favorite position of his, when sitting in a chair,) he held in his hands a gold headed ebony cane of which he was justly proud, presented to him by the Masonic fraternity for his long and valuble services to that order. He was holding and playing upon it in imitation of a flute, eyes closed and oblivious to all his sur-

roundings. His appearance was so comical and ludicrous that it produced a smile almost convulsive, upon all present, to the great annoyance of the court and the suspension of business. The Judge, with a frown, inquired the cause of the unseeming hilarity, when it was pointed out to him. He was very indignant and rising from his chair he reached over his desk and with his cane soon stirred Uncle Dick out of his musical cantata, with the remark, "get out of here making a monkey of yourself for the amusement of the crowd." Uncle Dick clambered out, highly indignant at the Court's remark and replied with a very caustic response. To this the Judge made no reply. Order was soon restored and the business proceeded in the usual manner. The next morning, Uncle Dick came into court and apologized to the Judge for his hasty reply the day before, and all was again serene as a May morning. It was on the above occasion that Judge Pettit came down on Mr. Valentine, in so severe and savage a manner. Judge Valentine was then a young lawyer just out from Indiana on his way to southern Kansas to seek his fortune and had stopped over at Leavenworth and naturally visited our court. On that occasion he was sitting on the back seat within the bar near the window listening to the arguments of the lawyers, in plain view of Judge Pettit. When the incident with Uncle Dick occurred he had joined with the other onlookers in the laughter. As soon as the Judge's eye rested upon him, he snorted out, "young man over there, what are you grinning about like a chessey cat?" Valentine made no reply to this onslaught, but seizing his plug hat of the vintage of the early fifties, slid in a crouching manner like a whipped spaniel out of the court room. We saw or heard no more of him till years after when he was elected one of the supreme court judges of the state of Kansas, which position he filled with honor, fidelity and ability for a long series of years.

The third name on the roll of attorneys is that of D. J. Johnson, who came to our town in the fall of 1854, I think from the state of Georgia. He was a lawyer of fine ability and splendid natural attainments and being on the then popular side of politics and a good fellow generally, he soon acquired a very lucrative law practice for a new country. By the boys and his boon companions he was called by the familiar name of Dave Johnson, by others, the Kentucky cognomen of Col. Johnson. While a

strong Pro-Slavery man in sentiment, he was always tolerant, kind and liberal in his treatment of those who differed with him on the question of slavery in this territory. In all the border troubles in this city and vicinity, he took no active part against the Free State citizens as I saw, or was advised. Like so many of the brightest young men of those early days, especially in the legal profession, his genial good nature led him too often into convivial excesses, which greatly weakened his otherwise strong physical constitution and dimmed his brilliant mind. He and James M. Lysle, of whom we shall speak hereafter, were law partners at the time of Lysle's death and had been for some time previous. Col. Johnson practiced law here for a number of years very successfully before he died.

A. McCauley is the fourth name on the roll of attorneys. He came here in the fall of 1854 from St. Paul; originally, I believe he came from Pennsylvania. While he kept a law office and was ostensibly a lawyer by profession, he did not confine himself to the practice of law. As he had money, he speculated in real estate in the city and also by himself and in conjunction with Dr. John W. Day (who came here from St. Paul, about the same time) laid out and platted several additions to the city which bear their names on the maps of the city. Mr. McCauley held several offices of honor and trust in the city; he died and was buried here, leaving a wife and daughter; he was a man of high standing, an active, useful citizen and did his part to build up and advance the best interests of the city; he died honored and respected by all who had the pleasure of his acquaintance.

James M. Lysle's name appears fifth on the roll of attorneys. He also came from the South, was a fair young lawyer, but gave considerable attention to politics and held one or two public offices in the city and county. He was an ultra Pro-Slavery man of strong and bitter prejudices towards Free State men, a sort of leader among the young men of that class in the city, personally brave, but aggressive and reckless in his demeanor and conversation; often in quarrels with those who differed with him on political matters, he always went armed, as was the almost universal custom on both sides in those days. Lysle was looked upon as a dangerous man when aroused, especially by Free State men, and many of them were constantly on the alert

when in his presence although he was friendly and companionable with those of his own political belief. He met his Waterloo at a Free State election held in the spring of 1858 in this city. The polls of which he and some others undertook to break up in the Second ward. He made a furious attack upon the judges and clerks with deadly weapons and was resisted and in the fight he was struck in the breast with a Bowie knife in self-defense by William Haller, one of the clerks of the election and a quiet young Free State man, from which blow Lysle died shortly after. Haller was taken to the fort for safe keeping. He was never tried for this homicide.

D. A. N. Grover. His name appears as sixth on the list of attorneys. Mr. Grover was located in the territory several years before it was organized as Kansas territory. He lived near the present town of Kickapoo, with his father who was at the time a missionary among the Kickapoo Indians. At the first squatter meeting held in Salt Creek Valley at Riveley's store, June 10, 1854, shortly after the passage of the Kansas-Nebraska Bill, Mr. Grover was elected by the squatters as recorder of squatter's claims on the Kickapoo lands, so called, and also the Delaware Trust lands upon which Leavenworth was laid out and the lands south and west of the town, not included in the Muncee tract, south of and adjoining the townsite and now occupied by the Soldier's Home, or the adjoining Kickapoo lands on the north. This record so kept by Grover became very important afterwards as partial proof in determining the priority of claims of the squatters who had settled upon these lands and their claims were contested before the U. S. land office at Kickapoo, or before arbitrators or squatters' courts to settle these sometimes vexed, and often doubtful and dangerous questions, owing to the bitter feelings which existed between Pro-Slavery and Free State men, where this contention arose or was present, and especially was this true where the improvements, if any so made, were a mere foundation of four poles or logs laid on the land for a cabin, or that the claim was a mere temporary squatting and abandoned for a long time by the original claimant who perchance had returned to Missouri to cultivate and improve his plantation there, with no thought of making a permanent settlement in Kansas. Mr. Grover practiced law only to a limited extent while he re-

sided in this state. He removed to Kansas City, Mo., several years ago and if living still resides there.

David Dodge whose name appears as seventh on the roll of attorneys, while perhaps his law practice was limited, took a very active part in the affairs of the city, county and territory, holding several offices of honor and trust by appointment and the suffrages of his fellow citizens.

B. H. Twombly, the eighth name on the roll of attorneys, resided on his farm near the town of Delaware. He was said to be a very well read lawyer, though not much of an advocate at the bar, he did not solicit business in the courts or at the bar, preferring the quiet and less laborious life of an honest tiller of the soil; he however took an active part in the political affairs of the county and commonwealth, holding several offices of honor and trust. He died as he had lived, an honest and respected citizen, a kind neighbor and friend.

Cole McCrea, the ninth name on the roll; just how it came there at that time, or even at any time has always been somewhat of a mystery to the members of the bar who knew him. Whether he placed it there surreptitiously or as a joke, has never been determined.

After the homicide of Malcolm Clark by McCrea, April 30, 1855, he was hurriedly taken to Fort Leavenworth in a government ambulance to save him from the fury of an excited crowd who would have executed summary punishment upon him had he not escaped their vengeance. He was placed in the guard-house at Fort Leavenworth, from which he was allowed to escape, it was said at the time, by the connivance of a soldier guard. He did not return here until many years after, when the excitement had passed away and the principal witnesses had died or left the country. The only case I call to mind of his ever having in court was one morning when he appeared before Judge Pettit to defend some poor devil who had little or no money to employ an attorney. McCrea arose in the bar and addressed his Honor. Pettit looked over the top of his spectacles in his usual way, when first spoken to from the bar, and seeing a man in an unkempt condition, beard long and shaggy, hair not combed, linen and clothes generally demoralized and dirty, eyes red and

face bloated, the Judge not knowing McCrea, and supposing from his appearance it was a prisoner at the bar, shouted in a loud voice, "Sit down and let your counsel speak for you." At this outburst a smile spread over the faces of the lawyers present, till the clerk of the court suggested to his Honor that McCrea was an enrolled attorney at the bar. The Judge with a grunt, responded, "I did not recognize you as a lawyer from your appearance, go on sir, what have you got to say?" Shortly after this McCrea turned his attention to the more congenial employment of making axe handles and in a year or so left the country. When the Civil war broke out, he enlisted in the Union army and we learn did his part most nobly as a prompt and energetic "coffee cooler," which brave act insured him a place as an inmate for a long term of years at the Soldier's Home below the city, where he died a few months ago.

CHAPTER III.

Charles H. Grover.

THE tenth name on the roll of attorneys was a brother of D. A. N. Grover and raised at the same place near the present village of Kickapoo in Salt Creek Valley. He was elected the first county attorney of the county of Leavenworth and performed the duties of said office with commendable zeal and ability, although at that early day the performance of the same was not intricate or laborious. I call to mind the most important criminal case he had to prosecute during his term of office, and one that created a good deal of just excitement in the community on account of the cruel and unjustifiable outrage upon civilized society only equaled by the inhuman acts of the cold blooded savages of the western plains. I refer to the murder and scalping of Mr. Hopps on the old Lawrence road just west of Greenwood cemetery, in the summer or fall of 1855 by that devil incarnate, Sam Fugate. That he was guilty of the diabolical act, there was no question, from his drunken boast (and it was said a bet of ten dollars) before he left town that afternoon, that he would get an Abolitionist's scalp before night, and the further fact that he was seen to ride away from the spot where the body was found and the additional fact that he exhibited the bloody scalp to a certain party a short time afterward and boasted of his prowess and how he obtained it. It may not be out of place here briefly to relate the circumstances of this terrible crime as known to the writer of this sketch from his own knowledge of the facts and from witnesses of the same who related them to him either before or after the trial. Sam Fugate was raised in Platte county, Missouri, by old Squire Todd, one of the leading citizens of that county, who lived about seven miles east of this city. Fugate was a wild, reckless, dare-devil, no-care sort of a boy. As a young man

he was dissolute and intemperate, spent most of his time in the summer season on the plains as a teamster and in the winter he loafed about Weston and Platte City with boon companions, drinking and carousing. The opening of settlement to Kansas and the exodus of Missourians in the way and manner it was done, and the sole motive that actuated most of those reckless young men who migrated from that state at the behest of its leaders, to fasten the institution of slavery upon the territory, by driving out all Free State men, (Abolitionists, as they called them) to have a good time generally, with no object or intention of settling permanently in the territory. Fugate belonged to this class of desperate young men ready for any emergency that might arise, perfectly indifferent to the results. Mr. Hopps, the victim of this escapade, was almost an entire stranger in the territory. He came from Massachusetts and stopped in Leavenworth for a few days, hired a horse and buggy at a livery stable and drove over to Lawrence to visit his relative, Rev. Nute. It was on his return about 4 o'clock p. m. that he met Fugate, who saw him coming down the hill and waited at the bridge for him to come up. The old Lawrence road at that time followed around the valley from near Pilot Knob south of the then George Fisher claim, now partially owned by Chauncey Flora. Fugate passed several parties on his way out, and among the number was Riley Todd, whom he well knew from his boyhood. Mr. Todd was in charge of a U. S. government mule train, going to Fort Scott with Quartermaster's supplies. He came near Fugate and saw him leave the horse and buggy of Mr. Hopps and ride rapidly away up the road towards Marion Todd's house, two or three miles distant and off the main Lawrence road to the right. Fugate showed the scalp to Mrs. Todd and told how and where he got it. She was so shocked at the damnable outrage that she drove him from the place and he left the country for some months. Mr. Hopps lived long enough to tell those who first reached him, that the man who stopped him on the bridge enquired where he came from and being told, first shot him and then scalped him. The body was brought to town and the next day taken to Lawrence. Fugate was afterwards arrested and put upon trial for the murder, before Judge Lecompte and a jury of twelve men. Hon. M. J. Parrott and the writer of this article were employed to assist Mr. Grover, county attorney, to prosecute the case. Hon. John Wilson, Dave

Johnson and one or two others, all able lawyers, were employed to defend him. Although a motion with affidavits was filed on account of the absence of Riley Todd, who was in New Mexico and Mrs. Marion Todd who was in North Missouri both material witnesses, etc., etc., the court overruled the motion and forced the territory to trial. There were but three or four Free State men upon the regular panel of jurors and they were soon excused for cause, or challenged pre-emptorily. I need hardly say that with such a court or jury it was impossible to convict Fugate of any degree of homicide or manslaughter under the circumstances, and so the farce ended.

Amos Rees, the eleventh name on the roll of attorneys was for a long number of years one of the leading lawyers of Platte City, Missouri. He was one of the original members of the Town Company of Leavenworth and took an active part in its affairs as one of the three trustees of the organization from its first inception until its final wind up and dissolution, by the sale of the townsite by the U. S. Government, pursuant to the treaty with the Delaware Indians. The original owners by their agent and representative, chosen by them at their last meeting pursuant to resolution, purchased the original townsite lot by lot as it was sold from the town plat, originally laid out and filed by them in the Register of Deeds' office of the county of Leavenworth, the said agent afterwards making a deed to each respective owner, thereby perfecting the title in themselves and those to whom they had previously sold and conveyed by contract for a deed when the same should be sold by the government as above stated. Mr. Rees continued to practice law very successfully for a number of years in this city. His name is best preserved in the public mind however, in the name of the addition to the city proper, known as the Clark & Rees addition, lying immediately south of Three Mile creek and adjoining the original townsite. Mr. Rees was a man of most exemplary moral character as well as an able lawyer and a true Christian gentleman, a kind and affectionate husband and father, beloved and respected by all who knew him. He died in this city a number of years ago, leaving a widow and an interesting family of whom we have spoken in a former chapter.

Peter J. Abell, the twelfth name on the roll, was an able lawyer who moved from Brunswick, Mo., to Weston, Mo., in 1849 or '50 and was the head of the distinguished firm of lawyers, Abell & Stringfellow, (of the latter we shall speak more at length when we reach his name in the roll.) Mr. Abell never resided in this city and only came here occasionally to attend the U. S. territorial court. As a lawyer he stood in the front rank in northern Missouri and Kansas. He became interested in the town of Atchison soon after its first settlement in 1854 and moved there from Weston in the spring of 1855, I think. He was a man of strong political prejudices in favor of carrying slavery into Kansas and was an active local leader in that behalf. He died several years ago in that city.

John Doniphan, the thirteenth name on the roll, came to Weston from Kentucky in 1849, and soon took rank as a bright and promising young lawyer. The name and relationship helped him to get a start in his profession, as he was a nephew of the justly celebrated and distinguished lawyer, statesman and gallant Col. Alex. W. Doniphan, of Mexican war fame, (known as Doniphan's Expedition to New Mexico,) who fought the great battle of Sacramento and drove the Mexicans out of that country and delivered it over to the U. S. Col. Doniphan resided at Liberty, Mo. The settlers of Doniphan county in this territory honored themselves and their county by naming it after Col. A. W. Doniphan, one of the noblest, bravest and most chivalric gentlemen, who ever resided in the proud old commonwealth of Missouri. Be it said to his honor and credit that though born and reared in Kentucky, under the ægis of slavery, and living in a border county of Missouri, where the people, almost to a man, were determined to force slavery into Kansas, Col. Alex. W. Doniphan, during that long and bitter struggle, took no active part against our Free State settlers and led no marauding mobs from Missouri into Kansas to do our voting, or lay waste our towns and country and murder our defenseless citizens, as did Atchison, Stringfellow, Reed and other leaders of less notoriety. John Doniphan, of whom we now speak, soon after the settlement of Kansas moved from Weston to St. Joseph to occupy a more extended and prosperous field for the development of his legal talents. Of course he soon received

that Kentucky cognomen, "Colonel." Who ever heard of a distinguished son of Kentucky who did not have the prefix Colonel to his name, and thus plain, honest John Doniphan became Col. John Doniphan, now one of the leading lawyers of St. Joseph and attorney and counsel for several of the most prominent and wealthy firms and corporations in that truly enterprising city. Such is life and luck in the great and growing West. No bright light or brilliant talents are hid under a bushel.

C. F. Burns, the fourteenth name on the roll, resided at Weston, Mo., at that time, if I remember aright, and was a partner of his brother, Hon. James N. Burns, so well known in after years as a lawyer, politician and member of Congress from the St. Joseph and Platte county district in Missouri. C. F. Burns practiced law only a short time as a profession or for a livelihood, preferring the more congenial calling of a banker in St. Louis and St. Joseph, where he died a few years ago. He was the youngest of five brothers of the Burns family, all were men of ability and at one ime were the leading business men and politicians of Platte county and of upper Missouri. The writer knew each and all of them intimately, for a long series of years, both in Missouri and Kansas; they all passed away several years since, highly honored and respected.

W. B. Almond, the fifteenth name on the roll, resided at Platte City at this time; had been district Judge of the Platte district for a number of years previous. A year or two later he went to California and was soon thereafter elected a Judge of the district court in San Francisco. He died there.

Wm. G. Mathias, the seventeenth name on the roll, came to this town from Baltimore, Maryland, in the fall of 1854 with Judge S. D. Lecompte. As soon as the court was organized, Mr. Mathias at once occupied a prominent position at the bar, and so continued during his entire practice, but more especially as a criminal lawyer and as assistant prosecuting attorney of this county. He also early took an active part in politics and was elected to the House of Representatives from this county to the First Territorial Legislature in the spring of 1855 and was honored by that body, being elected speaker, which position he filled with great credit to himself and honor to those he so faithfully represented.

He was a kind, courteous, affable, Southern gentleman, a successful practitioner for a long series of years in this city of his adoption, a man of most generous impulses and highly respected by all who knew him. He died several years ago, leaving a highly cultured and refined widow, a son and two most estimable and accomplished daughters.

Marens J. Parrott, the eighteenth name on the roll, came to Leavenworth from Dayton, Ohio, in the fall or early winter of 1854-5. He brought with him the reputation (having been a member of the Ohio Legislature the previous winter) as a good lawyer, a cultured and polished gentleman, a man of fine literary attainments, a very fluent and eloquent speaker, which accomplishments soon justly earned for him the title of the silver-tongued orator of Kansas. Mr. Parrott did not devote much of his time to the practice of law, his father being wealthy and perhaps too generous and indulgent a parent, liberally supplied him with funds so that he did not have to depend upon his profession for his maintenance or support, and not being inclined to the labor and drudgery of the law, he early turned his attention to politics, while not so profitable, were more congenial to a man of his disposition and attainments. He at once espoused the Free State cause and took an active and leading part in all the public meetings and conventions of that party throughout the territory. In the times which followed, of the greatest dangers to the lives and liberty of the leaders of that movement, Mr. Parrott, like some others, made it convenient to be absent from the territory until the most dangerous part of the storm blew over and then returned as they did to enjoy the benefits and rewards earned by the struggles and dangers of those who remained and endured them; that the fire upon the holy altar of freedom might not be quenched in this fair land of ours, but continue to glow and burn as a beacon light to the nations of the world. In after years Mr. Parrott was honored by the Free State people of the territory by being elected as a delegate to Congress, which position he filled to the best of his ability and with honor and credit to himself and the people of the territory. Mr. Parrott married the Mrs. Louisiana Isaacs, the widow of Col. A. J. Isaacs, the first Attorney General of this territory, a highly cultured and accomplished Southern lady. They spent

a year traveling in Europe, and then returned here. Mr. Parrott's health failed and they went to Dayton to reside and where he died shortly after.

On the 17th of April, the following named gentlemen were enrolled:

J. Marion Alexander, the ninteenth name on the roll, came to this city in the fall of 1854 from Pennsylvania and opened a law and land office but gave more attention to the latter as, pecuniarily, it was more remunerative, especially if the party had money to invest and speculate with, and Col. Alexander seemed to be fairly well supplied with this adjunct of success in a new country. He remained here taking an active part in business and politics, and although he came from a free state he steered his political bark with so much skill and shrewdness, like some others we might mention of those days, who hailed from similar localities, that he avoided the rocks and vortex of Scylla and Charybdis, which so vexed the pathway of many of these land jack tars. He remained here till after the Civil war broke out, when he went as chief clerk with Judge G. W. Gardner, who had been appointed an assistant commissary of subsistence in the Union army. He remained with him in the above capacity until the close of the war, when he went to Florida it was said, to invest his generous accumulations from his lucky cotton pickings. He resided here no more but eventually returned to his Eastern home where he died several years ago.

William Weir, Jr., whose name appears the twentieth name on the roll, was also a Northern man, who resided in Wyandotte, then an Indian village at the mouth of the Kaw river, but located in Leavenworth county as then laid out. Mr. Weir was an able lawyer and successful practitioner. Soon after the Civil war commenced, he with others raised the Fourth regiment of Kansas volunteers and was commissioned its Colonel. He was a brave and gallant soldier and served his country with honor and distinction in Missouri and Arkansas in the army of the border under Generals Curtis and Blunt. After the war he returned to his home, but did not long survive the hardships and diseases incident to the war.

William Phillips' name appears the twenty-first on the roll. He came to this town in the fall of 1854, from Ohio, I believe, bringing his family with him. He built a small house and occupied the same as a residence and law office on the south side of Delaware near the corner of Second street. He was said to be a very fair lawyer, but practiced but little in the courts as he was soon placed under ban by the ultra Pro-Slavery men, on account of his outspoken and active position on the slavery question. In addition to this, he was accused very unjustly I am assured, by certain parties, with handing to Cole McCrea at the time, the pistol with which he shot Malcolm Clark at the old settlers meeting on the Levee, April 30, 1855. The excitement over the above homicide continued to exasperate the people of the town until it found vent in the organization of a vigilance committee of the more ultra of the Pro-Slavery propagandists who sought to give every unfortunate occurrence or crime committed in the town, a political turn, to the prejudice and injury of the Free State citizens. This self-appointed committee soon selected Mr. Phillips as a victim of their displeasure and first sent him a note inviting him to leave the town, on account of the above offense and other misdemeanors with which they charged him. To this notice he paid no attention. Within a few days a delegation from the above committee waited upon him and renewed their former demand, accompanying it with threats of dire vengeance upon him if he failed to leave within a given time. To this demand Phillips again declined to obey. On the morning of the 17th of May, 1855, the mob called at his house and seized him, before the people of the town were advised of what was taking place, and hurried him to the river and putting him into a boat hurried across the river onto the island opposite the town and started with him for Weston. Before reaching there they stopped at a warehouse on the river bank below the town, stripped him to the waist and applied a coat of tar and feathers, (with which they had supplied themselves before leaving Leavenworth) to his face, arms and naked body, mounted him on a rail and to the accompanying music of horns and cowbells paraded up Main street to the corner of Thomas street, near the hotel, put him on a box and had Dr. Ransom's old negro, Joe, cry him off and sell him for one cent, the highest and best bid. After this farce was completed they turned him

loose, with the strict warning never to return to Leavenworth or he might meet with a much more condign punishment. The writer of this had gone over to Weston the day before on business; the ringing of the cowbells and tooting of the horns attracted his attention as it did that of scores of people in the stores and offices and on the streets at the strange procession as it passed up the street. No one seemed to understand what it meant, or who composed the band of visitors, or who was the subject of their displeasure. Upon a close inspection I recognized most of the members of the mob as being from Leavenworth. Scott Boyle and H. Rives Pollard, editor of the Herald, were the leading spirits of the gang. Pollard carried the front end of the rail on his shoulder on which the man was astride, and W. H. Adams, proprietor of the Herald, had the rear end of the rail on his shoulder, as they passed up the street.

The citizens of Weston, when they ascertained what it all meant and that the man who was thus exposed to contumely and disgrace, was a respectable white man of Leavenworth, their better natures revolted at the disgusting sight thus perpetrated on their streets, as the people of the South and especially those of Kentucky and Virginia, from which states most of the settlers of Weston in those days originally came, were by nature, a brave, chivalrous people who despised low and contemptible proceedings of that kind. The perpetrators of this outrage were soon made aware that their visit with its accompaniments, was not acceptable, and shortly after left town and returned to Leavenworth very much crestfallen at their cool reception. That night a large public meeting was held in Weston, presided over by the mayor, speeches were made and resolutions adopted denouncing the proceedings of the Leavenworth mob, and especially the bringing of the victims of their dislike to a city in a neighboring sister state to wreak their vengeance upon, let them hereafter wash their own dirty linen at home, they said and not to trespass upon our rights and insult our citizens by such disgraceful displays of their displeasure. A day or two after the Weston escapade, and as a counter-irritant to the pain inflicted upon their mental epidermis by the Weston resolutions and as a sort of Arnica salve to their wounded consciences, these Leavenworth Boxers, called a public meeting, and with a few of their friends who sympathized with them, met in the Herald

office and passed some resolutions explaining and justifying their actions in the premises, so far as driving Phillips out of town and the attempted disgrace inflicted upon him. A further agitation of the subject soon became stale and unprofitable and it was dropped. In a short time thereafter Mr. Phillips returned to the town but of course did but little law business. He remained here quietly a portion of that sad and bitter epoch in our eventful history of 1855 and '56, up to that bloody Monday, the first day of September, 1856, when the Pro-Slavery mob drunken with fury and bad whiskey, drove the Free State people from their homes and places of business out of the town, some fled to Fort Leavenworth for safety and others were driven aboard steamboats at the Levee and sent to St. Louis. Previous to this time Mr. Phillips had sold his home on Delaware street and was living in the house, still standing, on the hill on the north side of Shawnee street, west of Fifth street, next to the Phelan building. Capt. Fred Emory who with his company of Bashi Bazouk's, had been doing the dirty work for his leaders in hunting down and driving out the Free State people, as above stated, marched his company up Shawnee street and halted them in front of Mr. Phillips' house, and ordered him out and to leave town at once. Phillips mindful of his former treatment by the mob and their threats of condign punishment at the time, if he returned to the town, boldly stepped out of the door above and on the roof of the porch, facing the mob below in the street with his gun in his hand (it was said) determined to sell his life as dearly as possible if necessary. Before he could make any response to the demand to leave town, by order of the Captain, every gun in the company was leveled at the man and the order to fire followed instantly. Phillips fell dead with a half-dozen balls or more in his breast; an equal number struck the door casing on either side of him and left their imprint there for a long time afterwards as a memento of the awful tragedy. As this terrible scene was being enacted in front of the house, Green Todd, then or late sheriff of the county, had gone around to the west side of the house and looking in at an open window saw Jared Phillips, a brother of the murdered man, standing on a bed in the room and without a word of warning shot him in the arm, which afterwards had to be amputated near the shoulder. Thus ended the life of this brave man; another victim to the

moloch of slavery. Although Emory resided here for a number of years afterwards he was always under ban, as was Todd while he lived here for the part they both took in this dastardly outrage. Phillips also lived here a number of years at the same time. It was always an unexplained mystery, to myself and many others, how he could meet these men day after day on the streets, without taking summary vengeance upon them, for the cruel murder of his brother and the life maiming of himself. Perhaps his course was the wisest and best, all things considered. "Vengeance is mine and I will repay saith the Lord."

C. F. Barnard, the twenty-first name on the roll, was on motion of W. G. Mathias on the 21st of April, 1855, enrolled as an attorney. If he ever resided or practiced law here I do not call him to mind at the present time.

Benj. F. Simmons, the twenty-second name on the roll on the 23rd day of April, 1855. He came here from Virginia. He was a young lawyer of considerable ability, a fair advocate, a quiet, refined, polished gentleman, although intensely Pro-Slavery. He was for a time a law partner of D. J. Johnson, but left here when the political complexion changed, as did many others of similar belief.

Saml. Formly, (as I read it) is the twenty-third name on the roll. I do not recall this gentleman to mind as ever having practiced law in this city.

CHAPTER IV.

M. L. Truesdell,

THE twenty-fourth name on the roll, was on motion of M. J. Parrott, enrolled as an attorney. He came from Ohio and while reported to have been a lawyer of large practice in that state, the opportunities for a successful lawyer of the Free State persuasion, were very limited in this locality at that time and unless he had other means to live on, his legal attainments alone, however brilliant, would furnish but a small portion of the filthy lucre necessary for a genteels' support.

Jeremiah Clark had been appointed deputy marshal by Judge Lecompte on the 20th of June, 1854, and was in attendance upon the court as court crier, as he was called, took the oath and signed the roll as such.

The court soon after adjourned to Court in Course, Sept. 8, 1855, when it again met and proceeded to business.

H. P. Johnson, the twenty-fifth name on the roll of attorneys, was the first one enrolled at this term of court. He came from Kentucky in the fall of 1856 and was a bitter Pro-Slavery man for a number of years. He practiced law but little, was more preacher and active politician than he was lawyer; he took an active part in all matters pertaining to the city's welfare, and although much set in his own way and headstrong at times, which gave him the sobriquet of "Hog Johnson." He was a very enterprising and useful citizen and did much to advance the interest and welfare of the city in a variety of ways. When the Civil war broke out he joined the Union army and raised the Fifth regiment of Kansas cavalry and was commissioned its Colonel by Gov. Robinson. His military career was brief but brilliant, he was killed at the battle of

Morristown, in the first year, it was said by his own reckless daring, brave, but impetuous, and almost fool-hardy in this, as in other acts of his previous life.

M. W. Delahay, the twenty-sixth name on the roll, came here in the fall of 1854, from Springfield, Illinois. He was a lawyer of no mean ability, a great friend and believer in the principles of the Kansas-Nebraska Bill and at once took an active and leading part in the politics of the territory in that behalf; opposed to the extreme views of the ultra Pro-Slavery men on the one side, and of the radical Abolitionists on the other.

As the law business, as we have before said, was not a paying business at that time, Col. Delahay conceived the idea of establishing a newspaper, as a means of support and to better sustain the principles which he and many other Free State men in and out of the territory, both old line Whigs and National Democrats, as they called themselves, believed ought to govern in the much vexed question of slavery in the territory. With these objects in view, he issued the first number of the Kansas Territorial Register, as he named it, July 4th, 1855. From its first issue the paper took a high rank. It was conducted with marked skill and ability; its editorials were able and influential, replete with sound argument and logical reasoning in behalf of the principles it advocated with so much force and vigor. The Herald, the Pro-Slavery organ edited by Gen. L. J. Eastin, a man of power and ability, felt the force of its reasoning in favor of the bona fide settlers of the territory determining the question of slavery for themselves without any outside interference from Missouri on the one side or Massachusetts on the other. This was true National Democracy and the foundation stone of the Kansas-Nebraska Bill, as Col. Delahay argued and urged from week to week in his journal. This sort of argument did not suit the Herald or the Southern oligarchy, they had long ere this determined that Kansas should be a slave state at all hazards. They would admit of no middle ground in this contention. It was to be Slavery or Abolition. "Those who are not openly for us and with us are against us," they argued, and must be forced to take a positive stand one side of the line or the other, no middle ground, no National Democracy to be encouraged or allowed to exist in Kansas.

The edict had gone forth from the headquarters at Washington and must be obeyed, every cross road penny liner from the entire Southland, where slavery existed or they hoped to extend it, took up the refrain. In the meantime the Free State men of Kansas had begun to organize; meetings were held at Lawrence, at Topeka and at Big Springs. A constitutional convention was called at Topeka and a constitution was prepared and in due time submitted to the people and adopted by those who favored making Kansas a free state.

Col. Delahay and hundreds of others, who at first preferred a more conservative course, had been driven to define their position openly and to take sides in the coming struggle for supremacy. Col. Delahay finally came out squarely in favor of the Topeka Movement, as it was called, and took an active part in sustaining that constitution. That stand of course brought down upon his head the dire vengeance of the whole pack, Blanche, Tray and Sweetheart, each and all yelped in unison. From that hour the fate of the Register was doomed, all that was needed was an excuse and an opportunity. That opportunity and excuse came on apace. A state convention to nominate a state ticket under the provisions of the Topeka Constitution had been called to meet at Lawrence on the 22nd of December, 1855. A large delegation of leading Free State men had gone over from Leavenworth to take part in the convention. Col. Delahay was one of the delegates and was nominated for Congress. S. N. Latta of this city, was nominated one of the Supreme Court Judges, and the writer of these sketches for Attorney General of the state. Thus was Leavenworth honored by the first Free State convention.

That night while we were all absent at Lawrence as above, the death blow fell upon the Register. The Kickapoo Rangers came to town, filled up with Ki Harrison's "bug juice," marched down to the southwest corner of Third and Cherokee streets over Col. Clarkson's store, where the Register office was located, and threw all the presses and type out of the windows into the street, and from there carried them to the Missouri river and threw them in. This was truly the omega issue of the Kansas Territorial Register.

When the Colonel returned to Leavenworth the next day he found to his regret, and that of his many friends and the good cause, that like Othello his occupation was gone. That there was

rejoicing at the Herald office and among the more bitter Pro-Slavery contingent I need not add. That winter, Col. Delahay, as one of a committee, was sent to Washington to urge upon Congress the passage of a Bill admitting Kansas into the union as a state under the Topeka constitution. While the House of Representatives passed the Bill, the Senate refused to and so we failed of admission at that time, as we afterwards did, under the Lecompton and Leavenworth constitutions. The next year Col. Delahay again opened a law office with indifferent success, soon after the law firm increased under the firm name and style of Delahay, Dugger & Gallagher, euphonious in name if not a financial success. Soon after Mr. Lincoln took his seat as President, he appointed Col. Delahay as U. S. District Judge for the district of Kansas. Judge Delahay and President Lincoln were old friends in Springfield, Ill., and related by marriage, Mrs. Delahay being a Miss Hanks before her marriage. Judge Delahay remained upon the bench for a number of years until he was compelled to resign on account of ill health. He was a man of culture, a good lawyer, an honest and upright Judge, a good neighbor and friend and a worthy citizen.

Thos. Shanklin, whose name appears the twenty-seventh on the roll, Sept. 18, 1855, came in the summer of that year from the East; he stayed here only a few months, made but little attempt to practice law as the field was not promising for a rich harvest in that line, speculated a little in real estate and soon retired and did not visit us again as I remember.

H. Miles Moore, whose name appears as the twenty-eighth on the roll, Sept. 18, 1855, was present at the opening of the first meeting and organization of the court April 16, 1855, but was called away to attend a meeting of the Town Company, of which he was secretary, and so failed to be enrolled at that time. He came to this city from Weston, Mo., at the first organization of the Town Association as the record shows June 13, 1854. He was first admitted to the bar at Rochester, New York, March 28, 1850, as his certificate of admission now in his possession shows, where he had studied law in the office of Lee & Farrar. It was the second class admitted under the new constitution of New York state. He was next enrolled in the Platte county bar at Platte City, Mo., and at other

towns in the state at which he attended court prior to the above enrollment in this territory. His legal and political life has been a part of the history of the territory and state in which he has taken an active, and in the early portion, an aggressive and prominent part, for over fifty years. He has perhaps been more years in the active duties of his profession than any other lawyer in the state.

G. W. Gardner's name stands as the twenty-ninth on the above roll. He came to Kansas and to this county in the fall of 1854, and took up the claim on the new Lawrence road, so long and favorably known as the Gardner election precinct and school house. Part of the time he lived in town and had a law office and was a justice of the peace, but he much preferred an easy and indolent life to one of hard labor and drudgery. Although a fair lawyer, he did not seek the practice. He was a jolly, good-hearted man, companionable, fond of a joke and a good story teller, a good neighbor and a true friend and well liked by all who knew him. Politically he was an earnest and active Free State man, but in early days living a little outside of the city, he was not drawn into the vortex which at times threatened to engulf so many of us in its mad whirlpool. He finally left Kansas and went to Colorado, where he died.

Sol. P. McCurdy, the thirtieth name on the roll, never resided in this city or in Kansas. His home was at Weston, Missouri, where he practiced law successfully for a number of years. When the Weston Court of Common Pleas was established he was elected its first Judge and served in that capacity very satisfactorily to the people of that bailiwick. When the times became too warm, politically, here on the border of Missouri and Kansas, he emigrated to Salt Lake City, Utah, and was quite successful in law and mining speculations.

Wm. H. Miller, the thirty-first name on the roll, came here from Virginia in the summer of 1855. He was a bright young lawyer, but a very violent, ultra Pro-Slavery propagandist, hostile, haughty and overbearing towards all who differed with him in his extreme views; he and Jim Lysle were both of the same piece in their political views and manners, aside from

politics he was a cultured, polite and affable gentleman. He did not succeed in his profession here and finally drifted back to Virginia and when the Civil war began, naturally entered the Confederate army.

CHAPTER V.

H. T. Green,

THE thirty-second name on the roll, was born and raised in Virginia; came to Missouri and when Kansas was opened for settlement came to Leavenworth county in 1855 and first settled on a claim a few miles south of the city. In a year or two he sold out his farm which he had begun to improve, and moved into town, built him a nice home on the northeast corner of Fifth avenue and Congress street. He soon opened a law office and with his then partner, Cole W. Foster, they did a large and lucrative practice. He was especially popular with the farmers of the country who admired his honest, open, bluff, hearty ways and manner. He was a real rough diamond to outward appearance but beneath this apparent rough exterior there beat as true, generous, kind, noble and brave a heart as ever found lodgment in the breast of any friend or well wisher of humanity. He was a close and hard student of the law, and as successful in his profession as a majority of the lawyers of that day. By his honesty, integrity, prudence and close attention to the interests of his clients, he acquired a fair competency of this world's goods. In politics he was an old line Whig, and although born and reared in a slave state and an owner of slaves, he believed in the principles of the Kansas-Nebraska Bill and often took issue with the ultra Pro-Slavery leaders in this city and county as he did with the radical Abolitionists of Kansas and New England. The Free State men, his neighbors, had no cause of complaint against him, for in the long and bitter struggle of 1855, '56 and '57 he took no part against them but on the contrary, often protected them from the aggressions of those who sought to injure and oppress them. When the Civil war broke out, he promptly took sides with the Union and when the town was threatened by the

Price raid, he shouldered his gun in her defense. He died several years ago in the midst of his usefulness. He was a kind and affectionate husband, an indulgent parent, a good neighbor and true friend.

Thos. C. Shoemaker, the thirty-third name on the roll, came here from the state of Illinois in the fall of 1854, as the appointee of President Pierce to be Register of the first land office to be established in the territory. He was a personal and strong political friend of United States Senator, Judge Stephen A. Douglas, the author and champion of the Kansas-Nebraska Bill, and of course Mr. Shoemaker, as did Col. Delahay, M. J. Parrott and other National Democrats and old line Whigs, stand by and urge the enforcement of the provisions of that Bill, until they were driven into the Free State party as such, and in favor of the Topeka Movement, so called by the illiberal and over-bearing course of the Pro-Slavery leaders of the territory. As time wore on the issues became more sharply defined, not only in Kansas, but in both branches of Congress and throughout the country generally. The President who had signed and up to this time had stood by Judge Douglas and sustained his Bill, seemed gradually to become indifferent, then cold, and finally surrendered to the slave oligarchy of the South and completely turned turtle (so to speak) to the cause of freedom and its friends in Kansas, even to using the U. S. army to break up and disperse its legally assembled Legislature at Topeka, July 4, 1856. Of course all his appointees in Kansas who did not bend the supple hinges of the knee to this new God Bael, that thrift might follow fawning, had to walk the plank. Shoemaker was among the first, perhaps the very first to be removed even before the office had been fully established. Shoemaker did not open a law office, but took an active part in politics on the Free State side, he was as bold and brave as a lion, an outspoken friend of the right, it was this unflinching, unwavering and perhaps at times, imprudent course that was the immediate cause of his untimely death at the hands of a drunken crowd of Pro-Slavery ruffians.

John I. Moore, the thirty-fourth name on the roll came here direct from St. Joseph, Missouri in the summer of 1855. The boys told it as a joke of course, that when he arrived

in town he had a small bundle of hay and about a peck of oats in a sack tied on his pony's back, behind his saddle and that was all his baggage and library. He shortly after opened an office here, and although the road was a little rough and rocky, he was a popular sort of a chap, a hard working, sober, industrious man, a fair lawyer and by close attention to business and economy succeeded in making a good living for himself and family and acquired a fair share of property in the city. He left here and went to Salt Lake City to reside a year or two before the Civil war, if I remember aright.

Judge G. W. Purkins the thirty-fifth name was enrolled on the 19th day of September, 1855. He came here a short time before that from Virginia. He opened an office and soon took rank as an able lawyer, an eloquent advocate and one of the most cultured, refined and well read members of the bar, polite, of easy and polished manners and a true Virginia gentleman. Although a Pro-Slavery man he gave no offense to those who differed with him on political matters. It was often said that Judge Purkins had as many friends among the Free State people as he did on the other side. Soon after the Pike's Peak excitement commenced, Judge Purkins, with several others from this city, went to Denver and though he was very successful in his profession and acquired considerable wealth in mining cases and real estate, he did not live long to enjoy it.

Geo. W. McLane, the thirty-sixth name on the roll. This must have been another joke, in McLane's being enrolled as a lawyer. I knew him intimately from the day he came to Weston in the early spring of 1854 until he left Leavenworth for the last time in 1865 or '66. While he was a versatile character of genius unlimited, a brilliant mind, "as smart as a steel trap," a true friend and all-round good fellow, I never heard of his practicing law. In a former chapter I have devoted considerable space to McLane and his doings in Leavenworth from the day he was auctioneer for the Town Company at its first public sale of lots, October 9 and 10, 1854, till he left as above.

B. F. Stringfellow, the thirty-seventh name enrolled, on the 21st day of September, 1855, on motion of R. R. Rees, Esq. Gen. Stringfellow, for such title he bore, having been Attorney

General of the state of Missouri. He came to Weston in 1849 or '50 and was a law partner of Peter T. Abell. He remained there till 1855, when he moved to Atchison, where he lived and died several years ago. That he was an able, learned and profound lawyer no one will question, but one of the most bitter and implacable leaders of the Pro-Slavery oligarchy in Missouri. The originator of the Platte County Self Defensive Association, as it was first called, a laudable and properly organized society of planters and business men who united themselves together to protect their slave property from being stolen and run out of the country by Abolitionists of the baser sort. Under the advice and by the spell-binding speeches of that vitriolic leader who began by denouncing in the most outrageous manner in one of his speeches at Weston, all people of Northern birth or parentage. That he was speedily called to account by the writer of this article and G. B. Panton and denounced as a coward and poltroon, is a matter of verified, published and preserved history of that occasion and those days of strife and the beginning of the bitter war which followed, not only in Platte county but all along the border of Missouri and Kansas. Stringfellow and Atchison and their followers, from this small beginning of the Platte County Self Defensive Association, soon organized the Blue Lodges, so-called, in every county in Missouri along the border; made the nominations for all the offices to be filled in Kansas and sent their armed hordes to carry the elections. This state of affairs from the election of Whitfield as delegate to Congress in the fall of 1854, to the election of the first Free State territorial Legislature in the fall of 1857, when the power of the opposition was broken. Gen. Stringfellow continued to practice law at Atchison occupying a position in the very front rank of lawyers in the state. Politically he pretended to have changed his color and to have have become a great admirer of Gen. Grant, but no one had any confidence in his conversion or change of heart. It was the "Devil a monk would be."

Edward Young, the thirty-eighth name on the roll. A young lawyer who came here from Kentucky, a friend of H. P. Johnson's. He did not remain long, as the field for young lawyers was fully occupied in those early days compared with the amount of business in that line.

James Hadley, the thirty-ninth name on the roll, was a promising young lawyer from Atchison, Kansas, whose admission was moved by Gen. B. F. Stringfellow on the 24th. He desired to file some papers in court and before doing it, it was necessary that he should take the oath and be properly enrolled as a member of the bar of this First District.

Henry Tutt, the fortieth name on the roll, was one of the leading lawyers of north Missouri and resided at Savannah, Andrew county, Missouri. As this district extended north to the Nebraska line and the upper counties of Kansas along the Missouri river and back fifty miles were largely settled by people from the border counties in Missouri opposite, it was but natural that the lawyers from those counties would seek and obtain business among their old neighbors and friends in Kansas, especially if they made a reputation at home as had Gen. Tutt and St. Joe lawyers.

James Christian, the forty-first name enrolled was a first-class young lawyer from Lawrence, Kansas. A versatile, jolly, brilliant, witty Irish barrister was Jimmie Christian; in years after everybody knew Jimmie (as the boys called him) as a shrewd, sharp but able, honest and successful practitioner. Just how he in later years became the law partner of Gen. James H. Lane at Lawrence, deponent saith not.

W. M. Patterson, the forty-second name on the roll. Just who this gentleman was, where he came from or whither he went after he was enrolled, the writer cannot now call him to mind, if he ever resided or had an office here it must have been for only a brief time.

A. G. Otis, the forty-third name on the roll, was a resident of Atchison, one of the ablest, clearest-headed, sound, convincing, argumentative lawyers that ever addressed a court or jury in this state. He was a member of the firm of Otis & Glick for a number of years, it was one of the ablest and most successful law firms in the West. He died several years ago in the very midst of his usefulness, leaving a large circle of friends to mourn his demise.

J. P. Richardson, the forty-fourth name on the roll, signed his name and took the oath, November 12, 1855. He resided here;

was quite well off at one time, but did not practice law but little if any while he remained here. Although a man of fine physique, six feet in height and well proportioned, the boys said he was a great coward. Politically, he was an Abolitionist, and so said this was a poor place for men of that avowed belief in those days unless he had the sand and plenty of it. He was always complaining that we Free State boys were too outspoken and would get ourselves and others into trouble. He would attend none of our meetings and take no active part to aid the Free State cause. He owned the forty acres of land in South Leavenworth, now known and platted on the city map as Day's Addition. He was an old bachelor and lived in a small frame house near where Thos. Jones, the contractor, now lives on Third avenue. When times began to get red hot, early in 1856, the (old Col.) as he was called, began to get shaky in the head and to want to leave here. The trouble was to sell his claim for near what it was worth and what he asked for it. It was said Dr. Day made him an offer for his claim, house and all, which he declined, a day or two after the boys to frighten him sent word to him as a joke, that the Kickapoo Rangers were coming the next week to hang him. He soon hunted up Dr. Day and it was said sold him the whole tract, forty acres, house and all for some $350, took the money, left the town that night; this ended that lawyer here.

Lorenzo D. Bird, the forty-fifth name on the roll, was a native of New York state. He came to Weston, Missouri, in 1844 or '45; was a graduate of Yale college, an able and successful lawyer and splendid advocate and a ripe scholar. He was one of the very first on his arrival there in the fall of 1849, to take the writer by the hand and welcome him to the town, as a young lawyer, seeking a location, a stranger in a strange land, more than 2000 miles distant from any friends or acquaintances. Judge Bird (as he was called) as all men of prominence in the West in those days soon acquired a title, in addition to the practice of the law had acquired as one of the results of his success, considerable real estate and other property in the county. When Leavenworth was laid he became one of the original Town Company, and with the writer and Mr. Oliver Diefendorf, as a committee selected by the Association, prepared the Constitution and By-laws for its government. He

was also one of its first trustees and took a deep interest in its welfare and success. He never lived here. He also acquired considerable property in Atchison and some in Omaha, Nebraska. In 1856, I think, he moved his family to Atchison, where he opened a law office to which he did not give as much attention as formerly as his large real estate and other interests demanded his attention. He died several years ago highly respected by the entire community.

H. H. Hutchison, the forty-sixth name enrolled. I do not now call this gentleman to mind as a practicing lawyer in this city. He may have resided at Lawrence or some small town in the District. I cannot locate him at present.

L. F. Hollingsworth, the forty-seventh name on the roll, resided in this county on his claim south of the town and did not have an office here; he was quite active in politics at one time, was a member of the Legislature. He took more interest in politics and his farm than he did in the practice of law.

Joseph P. Carr, the forty-eighth name on the roll, was on motion of Gen. Stringfellow, on the 14th of November, 1855, enrolled as an attorney of the court. He was a resident of Atchison and one of that distinguished coterie of able lawyers from that city who for years occupied an able and leading position among the lawyers of the state.

John Wilson, the forty-ninth name on the roll, was at that time a resident of Platte City, Mo. No man stood higher or occupied a more exalted position at the bar in north Missouri in those days, than did Hon. John Wilson; a man of fine mind, well read in the law, an able advocate, clear and forceful before the court and jury and a most successful practitioner. He opened an office here in the spring of 1856, if I mistake not, and with the reputation which he had so justly obtained in Missouri it was not strange that he at once stepped to the front rank among the lawyers in this city. He was the father of Hon. R. P. C. Wilson, the late distinguished member of Congress from the Platte district, who at one time had a law office in this city as a partner of Col. A. J. Isaacs, the first Attorney General of the territory. John Wilson, after practicing law here a number of

years, returned to his old home in Platte City, where he died several years ago. He died as he had lived, honored and respected by his neighbors and the entire community in which he resided.

CHAPTER VI.

Josiah Kellogg,

THE fiftieth name on the roll, came to this city in the fall of 1855, and opened a law office soon after, but as law business was limited and as he had some means he gave more attention to speculation in real estate than he did to the law. After the storm cloud had passed over the town in 1857 and '58 he took an active part in politics and was elected to office in the city and afterwards to the Legislature of the state, where he was elected Speaker of the House, which position he filled with credit to himself and honor to the commonwealth. He acquired considerable wealth in the city. He died several years ago leaving a widow and an interesting family to mourn his loss.

Marshal P. Taylor, the fifty-first name enrolled Dec. 12, 1855. This is another gentleman whom I do not call to mind as having practiced law in this city or state; I cannot even locate him at present and so pass him by only speaking of him as his name appears on the above roll as an attorney.

Burrell B. Taylor, the fifty-second name on the roll, Dec. 12, 1855; the last name enrolled at this term of court. He came here from old Kentucky as he boasted. He practiced law but little, was more of a politician and newspaper writer, as editor of the Herald and afterwards of the Inquirer, which proved to be his Waterloo as we shall presently show. As an editor he was an able, clear and forcible writer and at times a little imprudent and outspoken perhaps, for the times and the environments which obtained in the city in those days. As a man and a politician he was lordly, ostentatious, pompous and dictatorial, a sort of Bombastus Furiso, troubled a little, with what we Missourians called swell head. I never saw Taylor in one of his top lofty moods, as "Buffalo Bull

Taylor," as the boys called him for short, but I call to mind Merritt L. Young's description of these Southern "swell heads" as he called them. Mr. Young lived in Weston, Mo., at that time, was an active member of the extensive trading and freighting firm of Perry's & Young, second to none in upper Missouri. Mr. Young was a bold, brave, gallant Kentuckian himself, courteous, kind and a true friend as the writer had personal occasion to know. He had a perfect contempt for the assumptions and top loftiness of some of these would-be great men. He said he was born and raised in Maysville, Kentucky and he was not ashamed to say so, but he never saw one of these "Kanetuckyans," but said he was born in the rich blue grass county of Fayette, near Ashland, adjoining Henry Clay's plantation. That plantation must have extended all over the county to have so many of these people live adjoining it, probably the truth was, he said, most of them were never within a hundred miles of Fayette, but lived up in the mountain country and in some instances no doubt, left there for their country's good. Remember that was fifty years ago of which Col. Young spoke and things have changed since that time, even in old Kentucky. Of the East Tennesseeans, Mr. Young said, "they all came from high up on Big Sandy near Kit Bullard's mill." Of the young Virginians who migrated West, he said when you asked them where they came from, they swelled up like a pouter pigeon and answered from "Old Virginia sah, near Richmond sah." A few from Fairfax county, near Alexandria where Gen. Washington lived and went to church occasionally, one from near Monticello, President Jefferson's home. All were of F. F. V. and graduates of the University of Virginia. Many of them he said were born and raised high up on the Blue Ridge or Alleghany mountains and never saw Richmond, or Monticello. Such was Col. Young's opinion of these would-be first families of Virginia and Kentucky in those days. When the Civil war broke out Col. Young assisted in raising a Confederate regiment and was killed at the battle of Independence, Missouri. Col. Taylor remained here and continued to edit the Inquirer until by his indiscretion and boldness he incurred the displeasure of Col. Anthony and Jennison and their red leg band of ruffians visited the office one morning in the second story of the building, on the southwest corner of Main and Shawnee streets, where Meyer's transfer office now is, and pitched the presses and type

out of the windows into the street and thence to the Missouri river, as the Kickapoo Rangers had done with Col. Delahay's newspaper on the night of the 22nd of December, 1855, twenty years before, when Col. Taylor's occupation like Othello's, was thus ended, he suddenly left it was said; for his old Kentucky home.

A New Oath.

At the March term of the court, 1856, as matters politically had begun to warm up since the adjournment of the Kansas (Missouri) Legislature of 1855 and the passage of the "Bogus Laws" as they were called by the Free State men) by that Legislature; as they could not make it *expost facto* so as to reach those who had already taken the oath and signed the roll of attorneys, they determined no more lawyers should slip in who were not "sound on the goose," and so they added an adenda to the following oath. It had its desired effect as no Free State lawyer offered himself for enrollment, as the names who signed it show, with possibly one or two exceptions.

I.....do solemnly swear that I will support and sustain the provisions of an act entitled "An Act to organize the territories of Nebraska and Kansas" and the provisions of an act commonly known as the "Fugitive Slave Law" and faithfully demean myself in the practice of law, so help me God.

On motion of W. B. Almond, on the 31st day of March, 1856, Robt. P. Clark, the fifty-third name on the roll was admitted as an attorney-at-law. Mr. Clark resided in Platte City, Missouri. Shortly after he moved to this city and opened an office. He was a very clever gentleman and a fair lawyer. Soon after Wyandotte was opened for settlement he removed there and was popular and successful as a lawyer and Judge holding office almost up to the time of his death a few years ago.

William Perry, the fifty-fourth name on the roll, came here from the East in the early spring of 1856, and was one of the brightest young lawyers who ever came to the town in those days. He was of Irish birth, and true to the natural instincts of his nationality, was sharp, shrewd, witty and companionable, was a well read, courteous gentleman, a fine talker, a good lawyer and very popular and successful in his practice.

When the Pike's Peak gold fever broke out, like many others in after years members of the bar of this city, he moved to that country and settled in Denver, the leading town of the territory. His good name and legal reputation followed him and he was successful in his profession from the start. He was suddenly taken ill and passed away in the midst of his usefulness, beloved and respected by all.

S. S. Goode, the fifty-fifth name on the roll, was on the 3rd of April, 1856, on motion of D. L. Johnson, enrolled as an attorney of the court and took the before mentioned oath. Mr. Goode, although reputed to be a very clever lawyer did not follow the profession to any great extent for a livelihood but turned his attention more to politics and newspaper writing; in time he became assistant editor of the Journal, a paper started and controlled by J. W. Henderson, better known as Jack Henderson, while truly a Pro-Slavery journal at heart, sought to be conservative and more independent in expression than the Herald, which was intensely radical. The Journal while it desired to maintain its status with the Pro-Slavery party then in power, its editors had political sagacity enough to see and realize that an element of the more liberal minded in its own party were gradually withdrawing from the extremists and uniting with a like element in the Free State party. In other words that the political tide which had been at its full during the troubles of 1856 had begun to ebb in the spring of 1857. The Herald, which had been prodding the Journal on its apparent coolness to the cause, and jealous of its rival's increasing popularity, sought to lessen its influence by questioning its soundness on what it termed the vital issues of the day. This course touched the Southern pride of Henderson, who was still in control of the paper and caused him to seek to renew his allegiance to the party to which he naturally belonged, by a malicious attack he made upon Gen. Lane for a speech he made in this city in the spring of 1857, to which I will refer at the proper time, and Lane's response to the same. Henderson finally retired from the control and Col. Goode retained the management while it continued to exist. He was an able, clear and strong writer. All things mortal have an end and the Journal, like many other newspapers in Leavenworth since that day, its glory having departed, soon turned its toes

up to the daisies, and Col. Goode returned to the land of his father's, a wiser, if not a better man.

Reece Paynter, the fifty-sixth name on the roll, came here from Missouri in the summer of 1856 and was enrolled as a member of the bar August 18, 1856, at a short session of the court held at the village of Delaware, the temporary county seat of this county. Just how it became such county seat is fully explained in another chapter of these sketches. Mr. Paynter was considered a fair lawyer although his practice was limited; he held the office of justice of the peace one or two terms, but did not enjoy good health and shortly after passed away.

D. S. Boling, the fifty-seventh name on the roll, was also admitted on the 18th day of August, 1856, as the records show, at Delaware. I do not now call this gentleman to mind. I am only certain he did not have an office or practice law in this city.

Daniel L. Henry, the fifty-eighth name on the roll, was another of the members enrolled on the 18th of August, 1856, at Delaware. He came here from Missouri that spring and opened an office. Politically he was a strong Pro-Slavery man. He was an earnest, hard working lawyer and although a little cranky and strenuous in his legal opinions, was as successful in the final trial of cases as the majority of lawyers, owing to his close application in their preparation and the energy and skill displayed at the trial. As politics changed and the Free State lawyers came more in evidence he returned to Missouri, as the people's views and notions there conformed more to his views upon the then all-absorbing question.

B. M. Hughes, the fifty-ninth name on the roll. He never resided in Kansas and came here to attend court on the trial of some very important case, which commanded the best legal talent in this section and a corresponding fee for services. His home was at St. Joseph, Mo., which at that time had one of the ablest legal bars in the state. Among the most prominent were Mr. Hughes, Hon. Willard P. Hall, afterwards Governor of the state, Judge Henry M. Vories and others of like fame and reputation. Gen. Hughes, as he was called, went to Denver at an early day and soon occupied a prominent position in that city and became

wealthy. In due course of time he became Governor, carrying with him that same skill and ability that had marked his course as an eminent lawyer for so many years. It was said of him that he was the ablest and best Governor the territory or state ever had prior to his death a few years since.

R. C. Foster Jr., the sixtieth name enrolled, came to this county with his parents from Platte county, Missouri, soon after the territory was opened for settlement. His father took up a claim near Delaware and resided there up to the time of his death, a splendid farmer and one of the leading and highly respected citizens. Cole Foster, as every one called him, after completing his education at the University of Missouri, turned his attention to the study of law. He was a very promising young man from the start, and by hard study and close application soon became well versed in the law. Shortly after his admission to the bar he became a partner of H. T. Green of this city. The firm did its full share of the law business of the city and county during its continuance for a series of years. The skill and ability of Young Foster soon attracted the attention of the legal department of the M. K. & T. railroad and they offered him the position as General Attorney for that road in Texas, with headquarters at Dennison. He shortly after removed to that place where he has since resided. He has been a member of the Legislature of that state two or three terms and has at all times maintained an honorable and well deserved position as a lawyer of skill and ability.

E. M. Mackemer, the sixty-first name on the roll, resides in this county on his farm in Delaware township; just how he became enrolled as an attorney, deponent saith not for the writer never knew or heard of his trying a case in court or that he pretended to belong to the craft, till his name appeared on the list of attorneys. He always had the reputation of an honest, industrious and successful farmer, perhaps more creditable than the former.

David M. Smith, the sixty-second name enrolled, was another gentleman whose name was enrolled as an attorney of the court whom I do not call to mind and who did not reside here or practice in this court; if he did, it must have been for a short

time and to a very limited extent, or I should certainly have known him.

Lewis Ramage, the sixty-third name enrolled, did not reside here or in Kansas. He was practicing law in Weston, Mo., when the writer first located there and continued his residence there till his death, if I am correctly informed. He was one of those industrious, plodding lawyers who attended strictly to business, a good office lawyer and counsellor, more so than advocate before a jury, of studious habits and well versed in the principles of the law as laid down in the text books and the opinions of the judges in the reports of the different courts.

H. B. Branch, the sixty-fourth name on the roll, October 8, 1856. His residence at this time was at St. Joseph, Missouri, and while he was a man of marked ability, he did not confine himself to the law but took an active part as a writer and a politician. He was a bold, fearless champion of what he believed to be right and proper and often took issue with Stringfellow, James N. Burns and others in their radical views on Kansas matters and afterwards in the attempted secession of Missouri from the Union, and again after the war in their re-construction of Missouri and the South. He advocated the rights of the people as against, and in opposition to the ultra and radical views and acts of oppression inflicted upon those who differed with the party in power. He consulted with and acted in unison and accord with Gen. Frank P. Blair, Gov. B. Gratz Brown and other statesmen who sought the best interests of Missouri and the entire Southland.

At the first session of the court held in April, 1857, the following oath was prepared and each attorney was obliged to take the same before he signed the roll.

I.....do solemnly swear that I will support the Constitution of the United States and the provisions of an act, entitled, "An Act to organize the territories of Nebraska and Kansas," and that I will faithfully demean myself as an attorney-at-law of this court to the best of my skill and ability, so help me God.

William McKay, the sixty-fifth name on the roll, April 14, 1857. While he resided here for some years, his law practice was

limited; he was more of a real estate speculator and dealer than an active practitioner at the bar. Having means at his command he sought the easier and more congenial road to the acquisition of wealth and contentment.

O. B. Holman, the sixty-sixth name on the roll, came here early in the spring of 1857, from Janesville, Wisconsin, he was a New Yorker by birth and education, was enrolled as an attorney at the first session of the court April 14, 1857. He was a well read lawyer, fine, clear mind, a very correct and careful pleader, an excellent and forcible advocate before the court and jury, a close reasoner. Judge Pettit once said of him, that he presented a case for the consideration of the court in the clearest, most forcible manner, fewest words and strongest and most direct terms, without repetition or circumlocution of almost any lawyer he ever heard at the bar. He was very successful in his practice and acquired some property but being a good liver saved but a small portion. He died here when quite a young man in the midst of his usefulness and with a brilliant future before him.

Wm. M. McMeath, the sixty-seventh name, enrolled on the 15th of April, 1857. This is another gentleman whom I do not now call to mind as having practiced law here. I only speak of them in their order as their names appear on the roll and I desire to have every name as enrolled.

Ferdinand J. McCann, the sixty-eighth name, enrolled April 15, 1857. This is another gentleman of whom I have no remembrance at present. He certainly did not have an office here or remain long, if at all.

Henry J. Adams, the sixty-ninth name on the roll, who took the oath and was duly enrolled as an attorney of the court on the 15th of April, 1857. He originally came from New York and was a brother-in-law of Mr. Powers, the sculptor of the original Greek Slave. He came to this city to reside early in 1857, and for a number of years was one of the most popular and highly respected citizens of the town. He gave little attention to the practice of the law but devoted his time to other pursuits more congenial to his taste, at the same time he took an active interest in the welfare of the people and the ad-

vancement and upbuilding of the city. He was elected to several offices of honor and trust, all of which he filled with credit to himself and the best interests of our people He was a member of the city council, mayor of the city, elected to the territorial Legislature, established a bank which he managed very successfully and at the same time was engaged in other public enterprises. Soon after the commencement of the Civil war he joined the Union army and was appointed a Paymaster in the volunteer service by President Lincoln. He remained in that capacity till the close of the war. He was stricken with a severe illness in the line of his duty, from exposure in crossing a divide in the Rocky mountains, in a terrible snowstorm, in which a number of soldiers of his escort lost their lives. He never recovered from this attack and although he lived several months after, he grew worse until he died.

CHAPTER VII.

Thomas F. Campbell,

THE seventieth name, was enrolled as an attorney on the 16th of April, 1857. He only remained here a few months and then migrated to other pastures, where the alfalfa of the law had taken deeper root and flourished more vigorously for the sustenance of those who were limited in the means financially that meant success.

Harvey W. Ide, the seventy-first name on the roll, is one of the few lawyers who were enrolled in 1857 at that term of court, or prior thereto, who are still practicing law in our city or state. Judge Ide, as he is now known to all our citizens, by his long and able services in that behalf, came to this city from Janesville, Wisconsin, early in 1857, and opened an office. As a lawyer of ability, honesty and integrity, he soon gained the confidence of the people, the inevitable result was a steady growth and advancement in his profession, coupled with studious habits, close attention to business, a high moral character were sure to bring their reward. In due course of time he was called up higher to that acme of all lawyers who take pride in their profession, after years of hard study and toil and struggle at the bar, viz: a seat upon the judicial bench. That Judge Ide was entitled to this promotion no one questioned. He was four times elected to the high and honorable position of Judge of the First Judicial District of the state of Kansas. During this long term of sixteen years he presided with dignity befitting the station. He treated the bar with kindness and respect. He was honest and fair in his rulings, prompt but not hasty, clear, logical and forcible in his decisions as he saw and construed the law, without prejudice to either side,

holding the scales of justice at equal poise in all cases. That he occasionally erred in his judgment was but human. It is safe to say that he was reversed by the higher court less times than any Judge in the commonwealth during his administration. He retired from the bench with honor to himself and the good will of the legal fraternity and the cordial respect of the entire community. He still resides here and occasionally takes part in the trial of cases in court and acting as referee in important matters calling for special reference and careful examination.

Albert Perry's name appears as the seventy-second name on the roll. My memory is again treacherous as to this gentleman. I can only say that if he had an office here or practiced law here it must have been to a limited extent, and I leave his case with that consideration.

John W. Henry, the seventy-third name on the roll, came here quite early in the spring of 1857, from Weston, Mo. He was a brother of D. L. Henry, before referred to. They were law partners in Weston, and continued together here. He was a more quiet man and more of an office lawyer than his brother, but studious and with a well balanced mind. He remained only about a year and then returned to Missouri.

E. Magruder Lowe, the seventy-fourth attorney whose name was enrolled on the before mentioned list, came here from Virginia, and although he claimed to be from Richmond, I am not advised that he was not a true scion of the first families, although a very courteous and pleasant gentleman, a good lawyer, a bright and sparkling mind, keen and caustic at times, but not bitter or vindictive, although strongly prejudiced in favor of the peculiar institutions of his native state and of the South which was but natural to him who was to the manor born of old Virginia, and who believed that his mother, noble and true, could do no wrong. While Mr. Lowe was quite successful in his practice, he only remained here about two years as the political atmosphere became too highly impregnated with free soil odors to be agreeable to his refined and polished taste and so he returned to the land of his birth and first love.

Clifton Heflen, the seventy-fifth name enrolled, came here direct from Washington City, D. C. He was a son of that dis-

tinguished jurist, Judge Hellen of the Capitol city; a man of high standing and wealth. It was generally understood that the Judge had sent his son to this country not to practice law but to see the world and perchance do a little real estate speculation if a good opportunity offered. He did not open a law office or seek to practice, but spent most of his time visiting his friends here and at Fort Leavenworth. He was polished and refined in his manners, courteous and obliging to all with whom he came in contact and had business relations with. After remaining here a year or two he returned to his home in Washington.

Samuel A. Young, the seventy-sixth name on the roll, was not a resident of this city or territory, but was one of the distinguished lawyers of central Missouri, who specially came here to attend court and look after the interest of certain parties who had purchased lots in the city and other lands in this district. Satisfactory arrangement having been made with the parties concerned, he returned home.

J. W. Whitfield, the seventy-seventh name enrolled, was well known in this town and territory a number of years previous to this date, as he was the first delegate to Congress from Kansas territory at the first election held in the fall of 1854. Gen. Whitfield originally came from Tennessee and was at that time agent of the Arrapahoe Indians, with headquarters at *Fontaine Caboyeah,* up in the Rocky mountains. Just how his residence could be claimed to be in Kansas territory at that time deponent saith not, except that its western boundary was only limited by the summit of Pike's Peak. But as we Missourians wanted a man to the Southern manor born and one who would be true to her interests at all times and under all circumstances, and as the little matter of a few hundred miles more or less, of a residence cut no ice in this case, other things being equal, and Whitfield, as the poet says, had "a resplendent acreage of cheek," would fill the bill exactly. We nominated him, and did we not elect him with a whoop. We chartered the Missouri river steamboat, New Lucy at Weston and over 500 of the boys came down to see Leavenworth in the morning and returned in the evening, all having voted for Whitfield, at least once. True, Gov. Reeder it was said had brought out Judge Flenneken from Pennsylvania on purpose to run for Congress and had put him

into the race, he was not in it with our elongated mountain Tennesseean. In justice to our Town Company and the settlers on the Delaware Trust lands, most of whom voted for Whitfield on that occasion, because he had publicly pledged himself to do all in his power, if elected, with the President and the general land office at Washington to protect our interests and prevent our being driven off the townsite and their claims as we were all trespassers upon these Delaware lands *ab initio*. We believed he and his Southern friends would have more influence with the President and land office than Flenneken and so all voted for him without regard to the question of slavery as that issue had not been joined at that early day. Gen. Whitfield was true to his pledges and prevented our being ousted from our homes and acquired rights. He was no doubt well repaid at the final sale of the townsite by the United States. It was not in the power of the Town Company or any of its members to complain if they had been inclined to do so. It was these latter interests of the General's in the town, which induced him to be admitted to the bar in this district as he never resided here or practiced law, as I am advised.

A. E. Mayhew, the seventy-eighth name enrolled. This is another gentleman of whom I have not the faintest recollection as a resident or lawyer. I simply refer to him as his name appears on the roll.

Jas. H. Lane, the seventy-ninth name on the roll, entered on the 26th of April, 1857. Gen. Lane never resided in this city or practiced law. His permanent home was in Lawrence, although his untimely taking off occurred near here, on the Fort Leavenworth reservation, while on a visit to his brother-in-law, Mr. McCall, who was the farmer in charge of the then lower government farm as it was called, now occupied by the new Federal prison. Perhaps no one was more intimately acquainted with Gen. Lane than the writer, during his residence in Kansas and especially during the stormy times of 1855, '56 and '57 in this territory, and with him as General, commanding the army of the border in 1861 and '62, and also as United States Senator from Kansas up to the day of his death. This is not the time or place to pass the life of Gen. Lane in review, that has been done by the writer on a previous occasion and by others, perhaps more competent to do so. I will

only refer to one incident that occurred here, which has not been alluded to heretofore by any writer, as I call to mind. It was so extremely Laneish that it was amusing and laughable although it might have been a very serious matter had the party to whom the missive was delivered, had the nerve to accept. There might have been a fight or a foot race. Gen. Lane came to Leavenworth to see his friends quite often in 1857 and '58. On one occasion a public meeting was called and Gen. Lane was invited to speak. Mark Parrott also spoke. The General was in fine mettle and full of fire, at times a little rash perhaps, but Lane never minced his words on such occasions, he called a spade a spade. He was bold and fearless in his denunciation of the leaders in their treatment of the Free State people of the territory in the years just past. It was on this occasion that he repeated the expression of another speaker on a former occasion. "Our turn will come ere long, and then we will drive these hell hounds into their holes and drive the holes in after them." The next day the Journal, the newspaper edited by Jack Henderson (as he was called) came out with a very bitter editorial reviewing Gen. Lane's speech and among other things said that Lane was a great bluffer and intimating that at heart he was an arrant coward and would not fight if brought to the scratch. As soon as Lane saw the editorial he dictated a lengthy and somewhat verbose epistle in the nature and form of a challenge to mortal combat and directed it to John W. Henderson in person and so worded that in certain contingencies he would meet any and all of the leaders separately in their order and if he fell other brave Free State men in Kansas would be found to take his place. The writer was requested by Gen. Lane to act as his second and bear the message to Henderson, which he did. After some parleying and excuses on Henderson's part and consultation with friends he declined to accept the missive, or name a second. His attention was then called to the rule in such cases that if he declined to meet the principal he should meet the second. To this latter proposition he peremptorily declined. That we were personal friends and no cause of difference had or could exist between us to cause such a violent rupture. That he was personally opposed to dueling in any event. As it seemed impossible to arrange a meeting at that time, the writer returned to Lane, and the subject was allowed to drop. No more insinuations with regard to Gen. Lane's personal bravery appeared in

the Journal. The writer has preserved the above missive signed by Gen. Lane, which he retains among his mementoes of those lively days. Gen. Lane did not give much attention to the practice of law, his time was mostly devoted to the political affairs of Kansas and to his Senatorial duties in Washington up to the time of his death.

Albert Weed, the eightieth name enrolled, is another gentleman the memory of whom has passed from the writer. If he ever resided or practiced law here it must have been of very brief duration and left no permanent impression upon the mind of the writer.

John C. Douglas, the eighty-first name, was enrolled on the 26th day of April, 1857; is another of the very few lawyers who came to this city and territory at that early day and have continued in active practice up to the present time and still resides in our city. Mr. Douglas came here from New England and at once entered into active practice devoting a portion of his time to real estate matters, having acquired considerable wealth in that behalf. He has always been a close student, is an educated, refined and cultured gentleman, and is conceded by the bar, not only of this city, but of the state generally, as having no superior and very few equals, as a tax title and land lawyer generally, having made that branch of the profession a specialty for a long number of years and been remarkably successful, especially in the Supreme Court of the state.

Wm. Scott Brown, the eighty-second name, enrolled on the 29th of April, 1857.

Gurnsney Sackett, the eighty-third name on the roll, on the 30th of April, 1857.

Van B. Young, the eighty-fourth name on the roll on the 10th of May, 1857. Have each passed out of my memory if the writer ever knew them at all.

CHAPTER VIII.

Willard P. Gamble,

THE eighty-fifth name on the roll, took the oath and was duly enrolled as a member of this bar, June 1, 1857. He came here a short time previous from the state of Michigan and soon after formed a law partnership with M. S. Adams, making one of the strongest law firms in the city. Mr. Gamble was one of the best read lawyers in the city, a close and logical reasoner, a hard student, well versed in the rules of practice and pleading, an able and profound jurist for a man of his age, untiring in his application, true to his clients' interests and very successful in his practice. He was one of that galaxy of bright young lawyers which for a series of years gave to Leavenworth the proud position of having one of the ablest as well as the most brilliant bars in the state. He was a member of the Legislature of 1868, from the First ward of the city, the writer from the Second, Col. C. R. Jenisson from the Third, and Matthew Ryan, Sr., from the Fourth. Mr. Gamble was taken suddenly ill at Topeka and died in the midst of his usefulness before the session was half closed. His loss was deeply mourned by a large circle of admiring friends.

David W. Guensey, the eighty-sixth name on the roll, is another gentleman whose memory has passed from the writer, if he ever knew him, and we simply give him the place as his name appears in the list of attorneys of that date without comment.

John L. Pendery, the eighty-seventh name enrolled, came here from Cincinnati, Ohio, in the spring of 1857 and was admitted to the bar, June 1, 1857. He came with a little peculiar reputation, not as a lawyer in legal practice,

but for having performed his duty as he saw it, under the law as a United States Commissioner in ordering the return of a fugitive slave to his Kentucky owner. That act did not militate against him when he reached bleeding Kansas, at least not in this city; it gave him notoriety and as he opened an office and hung out his shingle he attracted attention and was soon enjoying a lucrative practice and soon began to acquire wealth, by his close attention to business; he had several partnerships in law practice but each of them were limited as to time. His greatest desire seemed to be to put ducats in his purse, rather than law knowledge in his brain. He succeeded fairly well in both for a time, but the discovery of gold and silver in Colorado and the rush to the mines, in due time carried him on its swelling wave as it did other attorneys from our city, not so much to practice law for the love of it, as to embrace the opportunities which its knowledge gave of acquiring that which giveth pleasure, ease and comfort in a discreet and proper use and enjoyment of its benefit and uses. Judge Pendery, as he was called, was a very pleasant and liberal friend and courteous and agreeable gentleman, well liked by all who had the pleasure of his acquaintance. He remained in Colorado permanently after leaving, with fortune smiling and frowning upon him in her ofttimes fickle ways, in the sunshine and in the shadow, in the trough and on the crest of the buoyant wave. Such are the uncertainties of life in the gilded and changing panorama of the great and golden West. Judge Pendery died a few years ago in his mountain home, leaving a fair share of that which he had struggled so long to acquire.

S. W. Johnstone, the nintieth name on the list of attorneys, came to Kansas early in 1854, as one of the United States territorial judges appointed by President Pierce. He was the Free State Judge and appointed from Ohio and was assigned to the extreme western district where there were but few settlers and little business to be done at that time. He remained as Judge of that district for some three or four years with but little judicial business to do, as the district was but sparsely settled at that time and it was during the most unsettled years in the history of the territory. He resigned his judicial position and came to Leavenworth to reside, opened a law office and in due course of time became the head of the law

firm of Johnstone, Stinson & Havens, one of the leading law firms in the city and territory. A short time after the dissolution of the above firm, Judge Johnstone moved to Washington City and took up the practice before the departments and the U. S. Supreme Court. He died in the spring of 1905, having reached the ripe old age of eighty-three years, honored and respected by all who had the pleasure of his acquaintance.

John E. Pitt, the ninety-first name enrolled, was a resident of Platte City, where he had lived and practiced law for twenty-five years; he was not noted as a profound lawyer. He was a good talker, fond of a joke, a good story teller to illustrate the point and give pith to his argument before a jury. As he owned a good farm near town upon which he lived, he was not dependent upon his profession for a livelihood. He was a sociable, companionable gentleman, sometimes called Col. Bully Pitt, just why the writer never knew, as there was nothing of the "bully" as such in his acts, except that he was a little loud and boisterous sometimes, but always in good nature and fun. In short he was a bully good fellow all round.

O. Diefendorf, the ninety-second name on the list of attorneys. The writer was probably more intimately acquainted with Mr. Diefendorf than any lawyer in the state. Originally he came from New York state to Springfield, Illinois. He studied law in the office of Judge Stephen A. Douglas. When the war broke out with Mexico he early enlisted in the volunteers and was eventually appointed Quartermaster in Gen. Taylor's brigade. He served through the war with honor and distinction, was in all the battles under Gen. Taylor. At the close of the war he was ordered to Washington and employed in the Quartermaster's department for a year or two, he then resigned and came to Weston in the year 1849. The writer and Mr. Diefendorf were law partners in Weston for several years, until the organization of the Weston Court of Common Pleas, when Mr. Diefendorf was elected clerk of said court. He was one of the most practical, clear and correct pleaders I ever saw, a most excellent office lawyer, careful, honest, upright and exceedingly reliable in all business transactions. When Leavenworth was located he became one of the original members of the Town Company, was one of the trustees for a

time. When the Surveyor General's office of Kansas and Nebraska was first opened in the territory at this town by Gen. John Calhoun, Surveyor General, Mr. Diefendorf and Maj. Fred Hawn, brothers-in-law of Gen. Calhoun, were both appointed clerks in his office and remained with him for several years, when both came to Leavenworth to reside. In the course of time Mr. Diefendorf was elected county clerk which office he held for a series of years. A few years after he was elected Probate Judge of the county, which position he held for a number of years until his health failed and he was compelled to decline further service. He died a few years ago as he had lived, his entire public and private life was one of honor, respect , integrity and usefulness, not exceeded by that of any citizen of the community in which he at any time lived.

J. B. Chapman, the ninety-third name enrolled, did not reside in this city, neither did he practice law here but came from some town in the middle or western part of the territory to be enrolled as a member of the the bar as I call him to mind.

James McCahan, number ninety-four on the roll, was one of the best and most successful lawyers in this city for a number of years while he lived; was enrolled a member of the bar June 12, 1857, soon after he came to the city. He was a very studious, industrious lawyer, while not so brilliant a speaker before a jury as some of his compeers at the bar, as a sound, urgent reasoner before the Judge he had but few equals. He was always well prepared with his cases before trial and was as a rule, successful. He held several offices of trust and was faithful and honest in the discharge of all the duties which devolved upon him. His last professional act was that of a very important argument before Hon. John F. Dillon, U. S. Circuit Judge at his chambers in Davenport, Iowa, upon the application of the Leavenworth & Atchison and the Missouri Pacific railroad companies for an injunction to restrain the city of Leavenworth, its officers and agents from taking up the rails and interfering with the passage of said railroads across the Levee of said city. The writer was city attorney of said city at the time, and Mr. McCahan was employed by the mayor and council at the request of the city attorney to assist him in the argument of the case. The attorneys for the railroads were Judge T. A.

Hurd, Judge Robert Crozier and Hon. E. Stillings. After the close of the argument all the attorneys returned to Leavenworth by the way of St. Louis. Soon after reaching home Mr. McCahan was taken seriously ill, from which he never recovered, but died in a few days, in the midst of his usefulness with his legal harness on. It is a singular fact that in a comparatively few years all of the attorneys engaged in the above trial, except the writer and Judge Dillion who heard the case, should have passed away. Such are the uncertainties of this transitory life.

Col. John P. Slough, whose name appears as the ninety-fifth on the roll, came to this city from Ohio in the spring of 1857, and on the 8th of July, a short time after, opened an office and was duly enrolled as an attorney of this bar. He came here with a good reputation as an able lawyer. He was a gentleman of fine appearance, courtly manners, perhaps a little austere at times, otherwise social and agreeable, a fluent speaker, a clear headed, cool and successful practitioner. In a short time he took rank with the foremost members of the bar of the city, doing his full share of the business in all the courts during his stay here. When the Civil war broke out, if I am not in error, he returned to Ohio, joined the Union army and with others raised a regiment and was elected Colonel and served with distinction. At the close of the war he was appointed Governor of the territory of New Mexico by the President, which position he filled for a number of years with great credit to himself and honor to the government. He died there several years ago.

William Franklin, as I read the name on the roll, was the ninety-sixth name enrolled, July 8, 1857. This is another gentleman whom the writer cannot call to mind as a resident of or member of the bar of this city and so pass him by without comment.

William Stanley, whose name was enrolled as number ninety-seven, September 5, 1857, was a bright young lawyer from Kentucky who came here the spring of that year and soon after formed a partnership with Hon. John A. Halderman, the first name on the roll, April, 1854. Mr. Stanley was also of a military turn of mind and assisted in organizing the first inde-

pendent military company in the city and known as the Shields Guards; he was elected Captain of the same. At the opening of the war most of this company enlisted in the Union army and were in the bloody battle of Wilson Creek, where several from this city were killed and wounded. In 1860, Capt. Stanley returned to his home in Kentucky and afterwards studied theology and in due time became a Christian minister. Thus from saving lands by the legal process he turned to saving souls by the Heavenly route.

Wm. H. Cole, Jr., the ninty-eighth name on the roll, Sept. 15, 1857 and Jerome B. Conklin, number ninety-nine on the roll, Sept. 16, 1857, whose memory have also passed away, or at least I never made their acquaintance as lawyers in this city and so pass them by.

M. S. Adams, the one-hundredth name enrolled, came to our city in the spring of 1857, originally from New England, I think from Connecticut. The law firm here was first Adams & Gamble, afterwards Mr. Ludlam became a member of the firm as the business increased. After Mr. Gamble's death, Mr. Adams and Ludlum continued their partnership till Mr. Ludlum went into the newspaper business. The firm was especially strong and did its full share of the law business in this city during Mr. Gamble's connection with it. Mr. Adams was elected recorder of the city two or three terms, the title of the court was afterwards changed to police court as it still remains. Mr. Adams was also elected a member of the state Legislature and became Speaker of the House. In both of the positions he displayed rare legal knowledge and in the latter, statemanship and ability of a high order. Like many other lawyers anxious to increase their worldly possessions, when the boom in real estate opened up in our sister city of Wichita, he was with others led away by the siren song of accumulating great wealth, or in other words getting rich quick by speculating in real estate, turning good productive farms into barren town lots located from five to ten miles from the business part of the city. To be on the ground floor and miss none of the good things in store for those who hustle, he sold out all his possessions here and moved his family down to this proud and growing "Princess of the Prairie." As is often the case in all new

states and it has been especially true of many Kansas towns, there was too much wind and not enough substance at the time, and as a matter of course having outgrown the country like the "South Sea Bubble," they burst leaving the promoters and more foolish investors stranded on the leeshore of adversity. Our friend Adams ere long found himself poor in spirit and almost a total wreck financially. Gathering up a few threads from the woof of an ill-spent fortune, he again migrated, this time to Colorado to live with his son, where he might rest in peace in his declining years. *Requiescat in pace.*

Wm. Kemp, Jr., the one-hundred-first name on the roll, who if I am not mistaken in the man, although enrolled as an attorney, never practiced law in our city, but was the publisher and principal owner of the Leavenworth Times at its commencement and for a series of years thereafter.

Jackson Smith, the one-hundred-second name enrolled, Sept. 19, 1857, Claudius McGiven, the one-hundred third name on the roll, Sept. 22, 1857, Robert H. Shannon, the one-hundred-fourth name enrolled, Sept. 25, 1857 and Wm. C. Prest, the one-hundred-fifth name on the roll, were all non-residents of this city and county, at least none of them practiced law for any length of time to my remembrance.

Franklin G. Adams the one-hundred-sixth name enrolled, was a younger brother of Hon. Henry J. Adams, remained here only a short time in the office of his brother and then went to the northern part of the state where he was elected Judge of the probate court in the county in which he resided and served a number of years. He was best known all over the state as the able, faithful and efficient secretary of the State Historical society. No public servant ever served the state more faithfully and honestly for a long series of years than Judge Adams.

George S. Withers the one-hundred-seventh name on the roll, of date Oct. 7, 1857, is another name enrolled, who did not reside or practice law in this city or county as I remember.

J. A. Burton whose name appears as the one-hundred-eighth on the roll, was deputy clerk of the court for a number of years under James R. Whitehead and as such was one of the most efficient clerks the court ever had, polite, accommodating and

highly esteemed by all parties who had business in the courts. He went to Montana territory where he was accidentally drowned in crossing a stream, as the papers of that date stated.

A. W. McCauslen, the one-hundred-ninth name on the roll, was admitted on the 7th of November, 1857. He had resided here some time previous to his enrollment but had been engaged in lot and land speculations, was a very fair lawyer and did considerable business in that line, but evidently saw more ready money and less labor in the real estate business and eventually after the Osawkee land sales, left the city.

Warren Woodson, number one-hundred-ten on the roll, admitted February 2, 1858, Alex Paddock, number one-hundred-eleven on the roll, admitted April 13, 1858 and Henry Tinsmede, number one-hundred-twelve on the roll, admitted April 14, 1858. None of them resided or practiced law in this city as the writer was advised.

Joseph E. Merryman, number one-hundred-thirteen on the roll, was admitted April 14, 1858; was one of the leading lawyers of upper Missouri while he resided at Platte City, his practice was not confined to that section but was co-extensive with the state. He moved to St. Louis where he acquired a lucrative practice.

CHAPTER IX.

James Taylor,

THE one-hundred-fourteenth name on the roll of attorneys, came to this city from New York state in the fall of 1857. He was the father-in-law of C. B. Brace, so long and favorably known as one of the leading merchants and business men of our town. Mr. Taylor who had ranked high in the profession in western New York, entered into partnership with O. B. Holman, which continued until his health failed and the firm dissolved. He was well along in years when he came here and only again entered the profession as he said he was not contented doing nothing and preferred to wear out than to rust out. He was a man of most exemplary character, a well read lawyer and a cultured and refined gentleman of the old school.

Walter N. Allen, the one-hundred-fifteenth name on the roll of attorneys, came here to our city early in 1858 from Kentucky and was soon after admitted to the bar. He did not remain here long but moved to Jefferson county, where he soon took a prominent position as a leading politician in the county and one of the best, most practical and successful farmers in the state. When Populism was at the fore, in this state, Allen was one of its high priests and prophets, a man of brains and ability, a leader among men who thought and acted along independent lines.

J. S. Speer, the one-hundred-sixteenth name on the roll, was not a resident of the city or county, his home was in Jefferson county, in the then First Judicial District of the territory. He was a brother of Hon. John Speer, the well known editor, politician and author. Joe Spear, as the boys called him, was a great wag and a good story teller, a fair lawyer; elected Probate Judge of

that county, he served in that capacity for a number of years as an honest, upright Judge.

James S. Connoly, the one-hundred-seventeenth name enrolled, was I think a resident of Atchison at that time and regarded as a lawyer of more than ordinary ability and in good practice, a pleasant and courteous gentleman and well liked by all who knew or had business with him.

J. I. Cody, the one-hundred-eighteenth name on the roll, was a young man raised and studied law and was admitted to the bar here, he did not practice here but a short time but moved to St. Paul, Minnesota, where by his great energy and close application he acquired wealth and influence and became in due course of time one of the leading citizens of the town.

A. M. Sawyer, the one-hundred-nineteenth name enrolled, was a lawyer of considerable ability, a close student well grounded in the law, perhaps a better office lawyer than advocate, a man of sterling integrity, pure character and a true Christian gentleman; he died here before reaching the middle age of life, greatly respected by a host of sorrowing friends.

J. S. Kalloch, the one-hundred-twentieth name on the roll of attorneys, of date April 17, 1858. Who in Kansas that is at all familiar with the history of the territory and state of those days has not seen or read of this remarkable and gifted man, not so much as a lawyer, although as an advocate before a jury he had no superior and but few equals, but it was as a preacher and politician, he was at the zenith of his glory. He was the pastor of the Baptist church in this city for a number of years, and as such was one of the most popular and brilliant sky pilots in the West. After remaining here a number of years he moved to Lawrence and then to Ottawa, Kansas, where he published one of the best and most influential newspapers in the state, bold, fearless and independent, many of his editorials were among the rarest and purest gems in newspaper literature and attracted universal attention and comment throughout the state. With all his ability, erudition and force of character, he seemed to lack stability and firmness of purpose, in other words the balance wheel of his caput would occasionally wobble and throw his mental trolley out of gear, to the great discomfort of himself and the joy

and amusement of his political enemies, who desired his defeat, fearing his advancement to the fore, over their long cherished hope of future success. That he eventually failed politically in Kansas, is not at all surprising, for how many barks have been wrecked on its uncertain sea. Along their bleak shores lay the flotsam and jetsam of many a politician's life-long aspirations of senatorial honor.

William J. Martin, the one-hundred-twenty-first name on the roll; his name has passed from my memory if the writer ever knew him, am quite certain he never practiced law in our city for any great length of time.

S. A. Stinson, the one-hundred-twenty-second name, was enrolled April 26, 1858. He came here from the state of Maine early in the spring of 1858. He at once stepped to the front rank of able and brilliant young lawyers for which Leavenworth was so justly celebrated for a series of years. Stinson was truly one of the brightest stars in that galaxy of bright minds, in those early days; as a lawyer he had no superior, clear, concise, argumentative, strong and forceful. Of his personal appearance and as an orator, I cannot express myself in clearer and more explicit terms (of Sam Stinson, as we all called him), than in quoting from a late article written by Hon. B. F. Simpson, entitled "Leavenworth's Orators of Long Ago." In speaking of Samuel A. Stinson, he says: "Of all these, the most genial, magnetic, versatile and accomplished was Samuel A. Stinson. He was born in the good state of Maine, and if I mistake not, was a graduate of Bowdoin, the oldest and best endowed college in the state. He was tall, well formed, with a bright, fresh face—indeed, his complexion was as delicate as that of a woman— with hair struggling between shades of brown and light, a joyous disposition, pleasant smiles and most affable manners. He devoured books, rather than read them, his tenacious memory enabling him to call up their contents at will. His voice was clear and flute-like, with the most persuasive accents, and his wit sparkling and contagious. He was a most graceful and fluent speaker, with a wealth of words and great power of oratorical amplification. His poise was perfect, and his gestures the most appropriate and graceful. He was the Rufus Choate of the Kansas bar.....The gods loved

him, and he died at his old home in Wiscassett, Maine, on the 20th of February, 1866, aged thirty-three."

Nicholas Perkins, the one-hundred-twenty-third name on the roll of attorneys, whom I do not now recognize as being a resident of this city or ever having practiced law here, if so it must have been for a very limited time.

John Gill Spivey, the one-hundred-twenty-fourth name enrolled, was quite a prominent young attorney for a number of years and took an active part in political affairs. He was not as popular as some of the other lawyers, and although gentlemanly in his manners, was austere, and distant in his ways and did not make friends easily with either the members of the bar, who came most in contact with him, or the public generally. He afterwards moved to the west part of the state where I learn he divested himself of some of his lofty notions, came down off his high perch, mingled more with the common Western people and became very successful in his profession, acquired considerable property and gained the respect and confidence of his neighbors and constituents who honored him by electing him to positions of trust and emolument in the community where he lived.

Fox Diefendorf, the one-hundred-twenty-fifth name on the roll, resided here for a number of years. I am not advised that he gave much attention to the drudgery of the law. His enrollment as an attorney was more a matter of form with him than the financial results that might accrue from its pursuit. As he had a fair share of this world's goods, his principal employment was speculating, loaning money at largely remunerative interest and enjoying life generally, he was agreeable, polite and refined in his tastes, fond of society, a fine conversationalist, witty, but not loud or boisterous, social and companionable with his friends and acquaintances. In due course of time the spirit of go west young man, and love of adventure took hold of him as it has of many young men of enterprise, before and since, and he migrated to Salt Lake, where it is said he acquired great wealth in gold mining.

C. B. Trowbrige, the one-hundred-twenty-sixth name enrolled, resided here for several years, but like Fox Diefendorf, gave but little attention to the law, preferring a more easy life in

trade in which he was quite successful in several speculative investments. He eventually passed on, to what he hoped to be more remunerative fields for putting ducats in his purse. Such was the spirit of that day, and it has lost none of its excitement or desire of gain, in the revolving cycles of time of the present age, but increases its momentum of speed with each new discovery by man's inventive genius, in discovering and applying the secrets heretofore hidden in nature's mighty labyrinth of wealth and power.

T. F. Forrest, number 127 on the roll, A. W. Ridge, number 128 on the roll, Samuel Egan, the one-hundred-twenty-ninth name enrolled, and F. H. Curry, the one-hundred-thirtieth name, have each and all passed from my mental storehouse, if I ever knew them.

E. N. O. Clough, the one-hundred-thirty-first name enrolled, came here from Parkville, Missouri early in 1858 and his name was entered on the roll of attorneys of this district, April 30, 1858. He was born in old Virginia but educated in New England. Like most Virginians, he was as proud of his native state and his ancestry as are the descendants of the original Plymouth Rockers. He was a good lawyer, a versatile reader, a cultured and polished gentleman, a kind husband and parent, a good neighbor and true friend. When the Civil war broke out he early entered the Union army and soon rose to the rank of Colonel. At the close of the war he returned here and again took up the practice of his profession, he also held several offices by election and appointment, which positions he filled with honor to himself and credit to the community. His health failing, he moved to Kansas City, where he died honored and respected by a large circle of friends.

E. Joyce Smithers, number 132 on the roll, and L. B. Hamilton, number 133 as enrolled, like a number of other attorneys whose names appear on the roll, have been entirely forgotten by the writer, and all the response I can make in these cases, as I have previously stated, is that if they ever practiced law in our city it must have been for a very limited time and with but few clients or I should certainly call them to mind.

R. Crozier, number 134, enrolled May 10, 1857, was probably as well known to the people of the city and county as any man in this bailiwick, on account of the various positions he held. He came here early in 1857 and was for some time editor of the Leavenworth Times newspaper. He was elected a member of the Council from this county to the first Free State Legislature in the fall of 1857. He continued to act as editor of the Times for some time afterwards. He was appointed U. S. District Attorney for the district of Kansas by President Lincoln and held the office during Mr. Lincoln's first term. The next office was that of cashier of the First National Bank of this city, when the Scotts owned it. After serving in this capacity for several years he was elected Judge of the First Judicial District, which office he filled for three successive terms of four years each with honor and dignity and to the satisfaction of the people generally. That he erred in his legal judgment occasionally and was reversed by the Supreme Court of the state, is not strange; it is the invariable experience of all trial Judges of inferior courts in all the states; of course some are reversed oftener than others, none are perfect. To err is human, perfection alone is the attribute of Deity, an honest difference of opinion, even upon intricate law questions, does not necessarily militate against the honesty, integrity or ability of a Judge, it is only when he allows bias or prejudice to warp his better judgment, then it becomes censureable and perhaps *quasi* criminal.

Wm. Simpson, number 135 on the roll, J. K. S. Burbridge, number 136, William D. Wood, number 137, J. H. Bennett, number 138, D. C. Allen, number 139, F. T. Goodrich, number 140, F. T. Logan, No. 141, all of whose names were enrolled May 21 and 22, 1858, did not reside or practice law here as I now call to mind, if they did it was as students in the office of some of the older attorneys of that day.

Frederick Swoyer, number 142 on the roll, was a young lawyer of fine promise but did not confine himself closely or entirely to the practice. In due time he migrated to greener pastures for legal feed.

Benj. Wigley, number 143, enrolled June 1, 1858, Alfred Gray, number 144, enrolled June 1, 1858, have both almost en-

tirely escaped my memory at present, as I did not have the pleasure of their personal acquaintance except the latter, and he only slightly.

E. F. Havens, number 145, enrolled June 4, 1858. The junior member of that distinguished legal firm of Johnstone, Stinson & Havens, whose high standing as lawyers was co-extensive with the territory. Mr. Havens was the elder brother of A. B. and Paul Havens, so well known and highly respected as leading business men and bankers of our city and state. Mr. E. F. Havens occupied the position to a great extent, as the office lawyer of said firm, to his ability, learning, studious habits and close application in the preparation of the pleadings the arrangement and compilation of the briefs in an important law suit, is more than one-half the battle. They are the sword and buckler in the hands of a keen and polished advocate, and the foundation stones upon which the able and profound jurist builds his argument, and rests his case, they are the key-stone of the arch upon which the solidity of the legal argument so skillfully wrought out largely depends for final success, *hic labor, hic opus est,* such was the position Mr. Havens occupied in said firm. With such a diversity of talent, combined, as was possessed and utilized by the parties who composed this firm, was it any wonder they were a legal success. Mr. Havens, like his partner, Stinson, died young, cut off in the prime of life and in the midst of his usefulness, honored and respected by all who knew him.

Alonzo F. Callahan, number 146 on the roll of attorneys, was admitted to the bar, June 16, 1858, shortly after he arrived here from Cincinnati, Ohio. He was a partner of Judge J. L. Pendery for a time. In the spring of 1868, he was elected the first Police Judge of the city, under the new charter and served two years. He did not apply himself very closely to the practice of the law at any time during his long residence in our city. He was a man of diversified talent. Was one of the editors for a time of the Leavenworth Commercial; a correspondent of different newspapers in the East and St. Louis. He was a versatile and gifted writer, a natural born wit, and through most of his writings there ran a vein of humor which was pleasing and entertaining. He was a splendid companion, a good story teller, jovial, light-hearted, fond of society, bright and sparkling, bubbling

over with good nature, always looking on the bright side of life, generous to a fault, with a host of friends, who admired him. He devoted most of his time to the management and sale of real estate for Eastern owners. Like so many others in our city, he passed over the divide before his task of duty was completed; jovial, happy "Cally," we miss thy genial face and rotund form day by day as we journey along life's rugged path. *Requiescat in pace.*

J. C. Hemingray, number 146 on the roll, came here from Louisville, Kentucky, in the spring of 1858, bearing the title of "Judge." Just how he acquired it, deponent saith not, except that all true blue Kentuckyans have a title of some kind prefixed to their names. The Judge was a fair lawyer, but preferred an active business life to the more quiet and sedate life of a lawyer. He was best known as the head of the banking house of J. C. Hemingray & Co. The banking institution under the personal management of the Judge, was an eminent success, had the confidence of the public and made money for its stockholders. In due course of time the Judge sold out his possessions in our city and returned to his old Kentucky home far away.

J. F. Broadhead, number 147 on the roll, was another of those gentlemen whose name was enrolled as an attorney at this bar, who has entirely passed from my memory, if I ever knew him.

Geo. W. Still, number 148, enrolled June 22, 1858. He was an honest, hard working mechanic, a plasterer by trade, who came to the conclusion the practice of the law was an easier way of getting a living than spreading mortar and more congenial to his taste, so he threw down the trowel and the mortar board and seized Blackstone and Kent and plunged headlong into them. In due time he hatched out a full-fledged police court and J. P., son of Lord Bacon. He soon found out that he had perhaps made a mistake, that the wrong man had answered, when the legal bell rang. Ere long we find him following the honored calling of an honest son of toil behind the plow, like Cincinnatus of old.

Barzilla Gray, number 149, enrolled June 25, 1858, was one of those plodding, studious, hard-working lawyers whose field of usefulness was more confined to the office and the preparation of

legal papers incident to the transfer of real estate, drawing of contracts, wills, etc., the attending of cases in the probate court and the management of the estates of deceased persons. In this line of practice he was a marked success, honest, careful, prudent, a true Christian gentleman in all business affairs. He moved to Wyandotte, as it was then called. I learn he was elected Probate Judge of that county for a term of years.

CHAPTER X.

P. Sidney Post,

NUMBER 150 on the roll; Chas. H. Bargh, number 151 on the roll, are among those who have passed from my memory as have D. H. Hailey, number 152, Wm. S. White, number 153, and W. R. Kirkpatrick, number 154.

John C. Tarr, number 155, enrolled March 24, 1858, came here from West Virginia, was for some time a partner of Judge Hemingray. They did a fair legal business and also dealt quite extensively in real estate, lots in town and farms in the country. Mr. Tarr was elected one of the justices of the peace for two or three terms, filling the office with honor to himself and to the satisfaction of the entire community. He died a short time since, highly respected by all who knew him, leaving a widow and two children. C. M. Tarr, one of our leading merchants, is his son.

D. S. Johns, number 156; S. H. Glenn, number 157; Ira P. Ballen, number 158; Edwin S. Grant, number 159, Othello I. Flagg, number 160, L. S. Mager, number 161 and Wm. H. Ruell, number 162 on the roll, were the last names enrolled in the court as then established in 1858.

A new roll for attorneys was then ordered by the court commencing with the first term of the First Judicial District in 1859. All of the attorneys who had signed the roll in previous years were again enrolled as their names appear. They were not required to renew their oath or obtain a new certificate of membership, only those who came after and desired to be enrolled to enable them to practice in this district. In completing the list of attorneys of this district up to the admission of the state of Kansas into the Union in January, 1861, we shall only here-

after refer to those gentlemen who signed the roll in the order in which their names appear.

Saml. D. Lecompte is the first name appearing on the new roll, of whom I have not previously mentioned or given a brief synopsis of their legal connection with the bar in this city and vicinity. Shortly after Judge Lecompte left the judicial bench in this district and was superceded by Hon. John Pettit, late U. S. Senator from the state of Indiana by appointment of the President, he opened a law office in this city and commenced the practice of the law. Wm. G. Mathias, of whom we have previously spoken, was his partner. Shortly after, Col. Lewis Burns, of whom we shall presently speak, was taken into the firm. Of Judge Lecompte's career as Judge, we shall speak in another chapter in connection with the other U. S. Judges who were his compeers or successors in this territory. Judge Lecompte, when he entered the practice here, although an excellent lawyer from his long experience on the bench, was not a brilliant success at the bar. He came in direct contact with that galaxy of the brightest young legal minds in the territory. The Judge, while well versed in the principles of the law, of a sound legal mind and well posted on the old practice and the decisions of the courts, was a little too fond of his ease for close application to the new practice as established by the changes made by the new code, and the late decisions of the court in pursuance thereof. While the Judge was a great reader, it was more of a class of light literature, which amused, rather than instructed and improved the mind, in preference to applying himself to the new order of things, relying upon former study and long practice under the old regime to pull him through, of course this reliance alone, would prove a weak reed to lean upon, in the daily struggles he was almost sure to encounter in this unequal contest with those young mental giants and the change of practice. In a few years he retired from the practice and returned to the East to spend the balance of his days in ease.

D. J. Brewer. The rapid advancement of this distinguished jurist is perhaps the most remarkable of that of any lawyer in the commonwealth, and what is still more to his credit is the fact that each step of his advancement has been so well deserved; the gradation has been regular and rapid, with-

out a hitch or mis-step, maintaining his honor and dignity with equal poise at all times and under all circumstances, naturally of a sound legal mind, by close application, hard study, untiring energy and a loyalty unsurpassed to his profession. In a few short years, he has reached that acme of a lawyer's hope and ambition, the proudest and most honored in the land, save that of President of this great Republic; viz: a seat upon the United States Supreme Court bench.

Judge Brewer came to this city from New York when quite a young man, fresh from the curriculum of college and the law school; following Horace Greeley's advice, "Young man, go West and grow up with the country," *veni, vidi, vici.* He first entered the law office of Johnstone, Stinson & Havens and remained with them several months, he then formed a partnership with P. B. Hathaway and they opened a law office as Brewer & Hathaway. The first office he held was U. S. Commissioner. The second if I remember rightly was county attorney, one term of two years. The year following he was elected Probate Judge of the county. In due course of time, he was elected Judge of the First District Court, which position he filled for a number of years with great credit to himself and honor to the people whom he served.

This was his first step up the judicial ladder which leads to honor and fame. In a few short years, the people of the commonwealth called him to go up higher and by their suffrages he was elected one of the Judges of the Supreme Court of the state of Kansas, the highest judicial honor that the people in their sovereign capacity could bestow. The legal ability, the clearness and force of his reasoning, the knowledge of the correct principles of the law governing each case as presented, as displayed in his written opinions, commanded the respect and commendation of the bar not only throughout the state, but are often cited as authority in briefs of lawyers and opinions of courts in all the adjoining states, in like cases under consideration. No higher honor could be paid to a Judge than this reference to his decisions and the adaption of the principles therein enumerated as the correct rule of law governing in such cases. This advancement of Judge Brewer was the second step up the judicial ladder. A few years of honorable service in this behalf suggested still further advancement. A vacancy on the judicial bench of the United States Circuit Court of the circuit of which this state is an integral part,

induced the friends of Judge Brewer with his consent to present his name to the President for this position of honor and trust. Each state in the circuit with the exception of Missouri and perhaps one other presented the name of a favorite son for the position. It was finally agreed that as Missouri had no candidate to present and as her legal interests were at least equal if not superior to any state in the circuit on account of her wealth and population, and although politics of the candidates did not and should not enter into such a contest, it was conceded as is the universal custom, that the party then in power should name one of its own political creed for the place and he must be a Republican, and as both of the U. S. Senators from Missouri, Messrs. Cockrell and Vest, were Democrats and ranked high as senators and statesmen, they would have no prejudice in favor of one applicant over another, all other considerations being equal. While the above subject was under consideration by the U. S. Senators and others interested in the final result, the writer of this, as secretary of the Democratic State Central Committee of Kansas, received a letter from Senator Vest, of Missouri, explaining the situation and that the question of the appointment was up to Senator Cockrell and himself for determination if possible, and inquiring if the appointment of Judge Brewer would be satisfactory to the Democratic lawyers and the party and the people of Kansas generally. To this inquiry a reply was forwarded immediately, stating in the strongest terms possible that the appointment of Judge Brewer, by the President, would not only be entirely satisfactory to all Democrats of the state and to all others, and urging him and Senator Cockrell to use their utmost endeavors to secure him the nomination; that Judge Brewer was eminently qualified for the position not only as having no superior in the state as a lawyer and jurist, but as a gentleman of unimpeachable honor and integrity of character and well worthy in every respect of the high and honorable position. In a few days the nomination of Judge Brewer was sent to the senate by the President and he was unanimously confirmed. This was the third step upward on the judicial ladder of this distinguished jurist and fellow-citizen. In the short space of a few years, with a record of honesty, integrity and profound legal ability, excelled by no Judge on the circuit bench, Judge Brewer was again advanced to the topmost rung in the judicial ladder, that of

a Justice of the Supreme Court of the United States, the highest legal honor in the civilized world, which position he fills with increased honor, learning and ability.

In addition to his labor as Justice of the Supreme Court, he finds time to respond to a variety of calls and invitations to deliver lectures and make addresses before different schools and societies upon a variety of topics for which his well known culture, education, vast amount of reading, well stored mind, amply fit him to entertain and interest not only the most cultured or refined assemblies by his learned disquisitions, but also the great mass of common people who are edified and instructed by his lectures and homilies upon almost any subject that presents itself for consideration and discussion. The deliverance of the learned jurist a short time since upon the delays incident to the final hearing and disposition of criminal trials in the courts and the causes which in many instances prevented a speedy determination of the same, and the means which ought to be applied to remedy the great and growing evil were so forcibly and clearly stated that they attracted universal comment of the press and bar, and I may say of the more intelligent portion of the public generally whose attention had been called to these unseemly delays in the administration of justice to which his honor referred, was well worthy of a place side by side with the profound disquisitions of the most learned jurists of the English courts.

What a laudable and worthy example for the aspiring young man of our country to follow in all the varied walks of life and especially the young lawyer. True, but few may have the same opportunities or environments to enable them to reach the same lofty plane. There is no royal road to distinguished honor or fame; hard study, close application, untiring zeal, honesty and integrity of character and purpose, a determination to win over all obstacles will most surely accomplish the end in all worthy callings and pursuits.

That the people of his adopted city and state are proud of this loyal son and of his high and lofty attainment goes without saying, and when he returns to visit the home of his adoption, which he does yearly, he meets and greets them in the same plain, friendly, cordial manner without the least pride or ostentation, but with becoming dignity; the generous, wholesouled, chivalric David J. Brewer, of the days of Auld Lang Syne.

R. H. Housley came to this city early in 1859. He had not fully completed his legal studies, at least he did not open a law office, but was a student or clerk in the office of Clough & Wheat, for a time. He was a hard and close student and a fair lawyer but not a striking success. He divided his time between his law office and his farm as the latter seemed more congenial to his tastes and perhaps more remunerative.

Thos. P. Fenlon came here early in the spring of 1859 from western Pensylvania. He at once stepped to the fore and took rank with the galaxy of bright young minds of which we have spoken. He also took an active part in politics and ere long was elected prosecuting attorney of this county, which position he held for several terms, with great success. In due time he gave his attention to the practice of criminal law, and was second to no criminal lawyer in the state. As his acquaintance in the state extended, he turned his attention to prosecuting claims against the various railroads for damages and more especially for injuries received by railroad employes in the line of their duty. In all these matters he was eminently successful, obtaining large judgments against the railroad companies, which paid highly remunerative fees. He was the most successful practitioner in this line of cases of any lawyer in the state. As a general practitioner he was also very successful and stood high at the bar as he truly deserved, before a jury he had no superior and but few equals in the state. In politics he took an active part from his first arrival in the state. There was scarcely a convention of the Democratic party held in the county, state or national convention for a series of years, that he was not a delegate. He was a splendid speaker and his clarion voice oft upon the hustings was heard cheering the cohorts of his party on to victory. He was twice elected a member of the state Legislature and took an active part in the framing and passing of the necessary laws which were required. He was on one occasion chosen by his party in the Legislature as their candidate for U. S. Senator, although but an empty honor, it showed the high esteem in which he was held by his political friends. He also made the race for Congress in this First Congessional District, while by his personal popularity and splendid abilities he reduced the heretofore large majority of his opponent to a mere minimum, he failed of the election by only a few hun-

dred. He was one of the most polished, courteous and gentlemanly members of the bar, not only in his deportment towards the court but with the legal fraternity and with all others with whom he came in contact. He was bold and fearless in his denunciation of wrong, liberal and generous to a fault and a true friend in the strongest sense of the term. He had a high sense of honor and his word was at all times as good as his bond. He outlived all of that brilliant band of young lawyers, his worthy compeers to whom we have referred. He died a few years since, highly respected by all, and beloved by his most intimate friends and admirers.

Samuel S. Ludlam came to our city early in 1859, I think, from the state of Michigan. He was for a time a law partner of M. S. Adams & W. P. Gamble. Although a very fair lawyer he did not like the confinement and drudgery of a law office and so turned his attention to newspaper work as editor and publisher, in this enterprise he was quite successful as the field was large and the opportunities ample and generous. He died suddenly, after a short illness, in the midst of his usefulness.

F. P. Fitzwilliam was another of those bright young lawyers of the days when Leavenworth was specially noted for the proud position she occupied as the leading and only city of the first-class in the state, not only on account of her wealth and population, but especially for the learning, ability and brilliancy of the young men who composed her legal fraternity. They were what might truthfully be termed young legal giants and so conceded throughout the commonwealth. Among those who stood in the front rank was the subject of this sketch, a close student, a sound and logical reasoner a fine debater, a ready talker, a lawyer of clear and forcible thought and expression, true to the interests of his clients, and a very successful practitioner, a true friend, genial and kind to all. Like so many of that worthy band, his comrades in legal arms, he was cut down by that relentless angel of the sombre wing, whose glittering blade spares no one of the sons of man. The young man in the flower of youth and the hey day of life and in the midst of his usefulness, is cut down and passeth away and the place that then knew him shall know him no more forever. Our friend died as he had lived, honored and respected by all and beloved by a large circle of acquaintances and friends.

CHAPTER XI.

Lysander B. Wheat,

As his name is signed on the roll, came here early in 1859. He opened an office and soon after formed a partnership with Wm. McNeill Clough. As Mr. Clough had a large commercial acquaintance in St. Louis and the eastern cities, this firm from the start did a large and remunerative law and collection business. Of Mr. Wheat alone we shall speak at this time. Mr. Wheat, from the very commencement of his legal career in this city, was one of the closest, hard-working, pains-taking, methodical lawyers in the commonwealth. With the largest and perhaps best selected private library in the state, he spent more hours and burned more midnight oil poring over its pages and preparing his briefs for trial in court, than any lawyer in ten did, or would do, under like circumstances. It was said of him that he briefed both sides of every important case he tried. For that reason he was never caught napping in a trial; that he was often better posted on the strong legal points of the case on the opposite side, than the opposing counsel himself, and was thus prepared in advance for any legal emergency that might arise. He was indefatigable and untiring in his application to his duty as he saw it. True to the best interests of his clients, honest and upright in all his dealings, a very careful and correct pleader, one of the very best and ablest lawyers of the bar, well posted in all the intricacies of the practice, always doing his full share of the business and that with equal or greater success than the majority of attorneys of the bar.

Owen A. Bassett never resided in our city but was one of the leading lawyers of our sister city of Lawrence. He was also District Judge of that judicial district for a number of years, filling the position with honor to himself and to the entire satisfaction of the people he served.

John M. Case came to this city in 1859 from Janesville, Wisconsin. He was a gentleman of fine legal attainments, a ripe scholar, courteous and urbane in his manner and deportment, a close student, an able practitioner and successful attorney. Soon after his arrival here he formed a partnership with O. B. Holman, with whom he had been acquainted in Janesville. The firm did a large and lucrative business for a series of years. It was generally conceded that to the skill and ability of Mr. Case in the preparation of the cases for trial the marked success of the firm was largely due. Mr. Holman having died and the war of the Rebellion coming on, and law business having come to a standstill, so to speak, Mr. Case returned to his former home in Wisconsin where he resumed his profession. At the close of the war he moved to Marshall, Texas, and opened a law office. Of course the prejudice against Northern men at that time was generally very strong in those Southern towns and cities, but as Marshall was a growing railroad town, the end of a division built by Northern capital, and large repair shops and offices employing quite a large number of mechanics and other workmen mostly from the North, Mr. Case by his urbanity, prudence and discretion as well as his skill and ability as a lawyer in a short time minimized in a large measure that prejudice and was enabled to build up a generous and lucrative law business. In course of time he was elected one of the Judges of the city, which office he held for a number of years. He is still residing there although his health is greatly impaired.

R. P. C. Wilson, the well known and distinguished lawyer and member of Congress from the Platte district for so many years, came to this city in the latter fifties from his home in Platte City, Missouri. He and Col. A. J. Isaacs, the first Attorney General of the territory, formed a law partnership. I need hardly add that lawyers of their well known legal skill and ability were bound to command their share of the law business of this portion of the territory, which they did from the start, had not circumstances so suddenly changed in the environments surrounding these gentlemen, there was no question of their continued success so auspiciously begun. Col. Isaacs was taken suddenly ill shortly after and passed away. The war coming on soon after, Mr. Wilson returned to his former home at Platte City, where he was born and

reared. In due time he was called upon to serve the people of his district in filling the honorable and well deserved position of member of Congress, which he did so ably and satisfactorily that he was re-elected again and again until he declined further honor in that behalf, preferring in his generous nature to share the honors with other favorite sons who might desire advancement. He still resides at Platte City, honored and respected by all, not only there but among his many friends in this city.

Geo. W. DeCosta. This young lawyer remained in the practice of his profession here but a year or so, when he drifted away farther west, like so many have done before and since. That spirit of restless activity so prevalent in the West, was at its flood tide just before the war, and if taken at that time, with some would lead on to fortune, to many others sorrow and disappointment. After his departure from here the volume closed with his future connection with our city.

T. A. Hurd. Judge Hurd came to this city in the spring of 1859, from the city of Utica, central New York. He was admitted to practice in the first class of young lawyers under the new constitution of the state of New York in the fall of 1849. He had been a law partner with Hon. Joshua A. Spencer, of Utica, before coming to this city. We having adopted the Ohio code of law practice to a certain extent in this territory, which code had followed the New York code in its general features, Mr. Hurd having practiced law in that state under the new code for ten years past and being familiar with the decisions of the Supreme Court and the Court of Appeals on questions of practice under the code, was better advised than most lawyers in the territory as to what was required to conform to the present practice. Shortly after Mr. Hurd reached here, he formed a law partnership with the writer, which continued with fair success until June, 1861, when the writer entered the Union army and the firm was dissolved. In due time Mr. Hurd became the local attorney of the Kansas Pacific railroad and had charge of its extensive real estate holdings in this and adjoining counties. He was also the attorney and manager of the syndicate of Kentucky and Ohio capitalists who bought the Fackler Addition to the city of Leavenworth. When the Missouri Valley Life Insurance Company of this city was organized Judge Hurd was selected as its attorney and remained

with it until it ceased to do business and its affairs were finally wound up. He was also attorney for other corporations in the city and in the East. During the gubernatorial administration of Governor Glick in this state, a vacancy having occurred in the Supreme Court, Judge Hurd was appointed by Gov. Glick to fill that vacancy until the next general election in the state, which he did with credit to himself and honor to the state. It is conceded by all who were acquainted with Judge Hurd's legal ability that he had no superior and but few equals as an insurance, and also as a corporation lawyer in the state. He died a few years ago highly honored and respected by his associates of the bar and a large circle of friends.

N. H. Wood is another of those lawyers who came to this city from Janesville, Wisconsin. There seems to have been quite an exodus of attorneys from that town to our city in the late fifties. Mr. Wood opened a law office and was quite successful as a lawyer. In due time he was elected a justice of the peace of the city and township, which position he filled for several terms with honesty, integrity and ability. Of late years he has confined himself almost exclusively to his abstract books of titles of the lots and lands of the city and county of Leavenworth. It requires an immense amount of labor to keep these records full and complete and up-to-date. It is of the most vital importance to all owners of real estate who rely upon these abstracts of title to their property that they be scrupulously correct in every particular, as shown by the records on file in the register of deeds' office of the county, and all liens if any for taxes as shown in the treasurer's office of the county, or judgments if any, that might be liens against the real estate proposed to be conveyed. Mr. Wood's experience as a lawyer ought, and no doubt does, eminently fit him for this abstract business, upon which so much honesty, integrity, correctness and reliability depends.

John P. Mitchell. It is somewhat of a mystery to the writer just how this name came to be enrolled among the list of attorneys. He was known here for years as an honest, industrious mechanic. True, he aspired to be a leader and ward politician and was such to a certain extent, as to his study and practice of the law, deponent never saw or was advised and therefore stands mute and makes no answer.

W. W. Gallager. It would be no base flattery to say that while the writer knew William (sometimes called "Bill" for short) quite intimately, and that he was a keen, bright fellow and a true sport, he never was accused of being a Bacon or a Coke in the law business. True, he was the tail end for a time of that somewhat ephemeral law firm of Delahay, Dugger & Gallager, that did not count to win. The war of the Rebellion took William out of the law game here and landed him at Kansas City, Mo. Dugger flew the coop back to Illinois and Judge Delahay, like Logan, the brave, was left alone to mourn his loss.

P. P. Hathaway was a bright, active young lawyer who flourished here for a time, Judge Brewer and he were law partners for a limited period. Just when he retired or where he landed, or the causes therefore, deponent cannot now call to mind and so passeth it by.

W. S. Carroll. This gentleman came here early in 1859 and was soon after enrolled as an attorney in the district court. He was very industrious, was what might be called a hustler in the law business in hunting clients and doing things legal. This work, with close application, made his practice a success. After a time a better opportunity, where the competition was not so strong as he thought, offered itself and he moved to Wyandotte, a thriving town, and his energy, it was said, built up a large practice and was also quite successful politically, which by shrewd management added to his financial income.

E. Stillings came here from Ohio with a splendid reputation as a lawyer of ability. Being especially well posted in the Ohio code practice and the decisions of the courts of that state, and as our code was copied in a great measure from the Ohio code, a lawyer familiar with that practice and the court decisions, had a superior advantage over other attorneys who had not been similarly situated. He and Mr. Fenlon were law partners for a time, and if I mistake not Judge Hurd and himself were also associated in the law business for some years. Mr. Stillings was city attorney for two years under Gov. Carney's administration. He was the attorney of the Leavenworth and Atchison railroad while it was being constructed and until it was sold to the Missouri Pacific railroad company. He was also attorney for the

Kansas Central (narrow guage) railroad until it was sold. He was often elected Judge pro tem by the bar of the district court and his decisions, when acting in that capacity, were marked for their fairness and legal ability. He was quite often appointed referee by the court to ascertain the facts and apply the law in important cases where reference was asked or required. He was also attorney for the First National Bank of this city while Lucien Scott was president, and of other corporations in the city. During all his long career as a practicing attorney, no lawyer in the city or state ranked higher as an able and profound jurist and successful practitioner than Judge Edward Stillings.

H. Griswold. Judge Hiram Griswold, as he was called, was another Ohio lawyer who came to our city in those early days with an honorable reputation as a man of skill and ability in his chosen profession. He and Mr. Z. E. Britton were law partners until he was appointed Register in Bankruptcy of the U. S. District Court for a number of years, until the law was repealed by Congress. Judge Griswold was conceded by all to be a man of fine legal attainments, honest, upright and a true Christian gentleman.

Wm. McNeill Clough came here from Platte county, Mo. He had been connected as attorney for the Parkville and Grand River railroad for a number of years before coming to our city and had quite a reputation as a railroad attorney and also as an insurance lawyer and agent. His father who came with him and occupied the same office gave special attention to that branch of the business. Mr. Clough had a large collection clientage in the East and St. Louis. This mercantile law business was generally very profitable, pecuniarily. In due course of time, Mr. Clough formed a law partnership with Mr. L. B. Wheat of whom we have previously spoken under the firm name of Clough & Wheat. With Mr. Clough's extensive acquaintance, experience and hustling proclivities and Mr. Wheat's plodding and untiring perseverance, coupled with great skill and legal ability, it is not surprising that this firm for a number of years did a very large, profitable and successful legal business, up to the dissolution of the partnership. A short time after this took place, Mr. Clough suddenly passed away, leaving a large circle of friends to mourn his loss.

Chas. W. Lowrie, although his name is enrolled in the list of attorneys, the writer does not call him to mind. If he practiced law here it must have been limited and of short duration.

Geo. H. Hoyt. This young man's stay in our city was brief, brilliant and erratic, like a comet from some distant sphere he shot athwart the mental vision, dazzled the eye for a time, not as a lawyer so much, as he had or sought but little legal practice during his brief stay, but as a newspaper writer and a politician. Although Kansas was conceded to be a little rapid in speed itself in those days, Hoyt said it was to slow for him. He wanted the pace of Scotty, the Death Valley miner, of the present day, and so he passed us by.

Z. E. Britton. This gentleman, while a fair lawyer, had a real estate speculating turn of mind; a political newspaper desire to be a writer and perchance a statesman and with so many irons in the fire at the same time it would be a little singular if some of them did not burn. However, in the midst of his usefulness, he suddenly passed over the divide.

D. B. Halderman. Here is another name enrolled in the list of attorneys whom the writer fails to call to mind at this time either as a citizen or lawyer in this city.

Wm. C. McDowell, another of that brilliant galaxy of young lawyers of which we have previously spoken, and although his name is enrolled well down on the list, he was one of the very brightest of those young legal minds that cast its magic spell athwart the legal sky (if I may be allowed the expression) in those halcyon days. Judge McDowell came from Ohio to this city and opened a law office. He was a gentleman of fine legal attainments, a ripe scholar, a polished and forcible speaker, a close student, a brilliant and versatile mind, a pleasant and sociable friend and companion, and a successful practitioner at the bar. In course of time he was elected Judge of this judicial district and was again re-elected to the same position. By his urbanity and courteous manner on the bench, he was popular with lawyers and juries alike; by his learning and judicial decisions he commanded the respect and confidence of all who had business in the courts. Off the bench he was a sociable and delightful companion, happy and convivial in his nature and highly

esteemed for his many good qualities of heart and soul. He was suddenly and very unexpectedly killed by being thrown from the top of a passenger omnibus on his way to the depot in St. Louis as he was returning to this city. His untimely taking off was a sad blow to his many friends and cast a shadow of gloom over the whole community. A young man of superior mind and ability, thus rudely cut down in the prime of life and in the midst of his usefulness, left a void in the ranks of society and especially that of the legal fraternity in our city and state, not easily filled.

Lewis Burns. The writer first knew Col. Burns, as he was then called, in Weston, Missouri, in 1850. He was at that time the head of the large mercantile firm of Burns Bros., who in their day commanded more political power and influence by their wealth, sagacity, shrewdness and ability than any family in north Missouri. When Kansas was admitted as a territory, the Col. and Hon. James N. Burns became largely interested in real estate in Salt Creek Valley, in this county and in Atchison city and county. Col. Burns had always been a merchant and politician and had never studied law or given the subject much attention. When the land office was established at Kickapoo and he became interested in land in that section as above, he soon bloomed out into a land lawyer before the register and receiver of the land office to aid squatters in securing the proper entry and title to their lands. Not much legal knowledge, skill or ability even in contested cases was required before the land office, the laws, rules and regulations of the land office were all very plain. The great secret was in marshaling the evidence and fixing the witnesses, to establish the priority of settlement and the necessary improvements to enable the claimant to hold the land against all contestants. Col. Burns soon learned just what evidence was required before the land office to win his case and if he failed in this behalf it was not his fault. With an active client he generally won his case and secured a good fee. When the land was mostly entered in this section and the land office closed at Kickapoo, Col. Burns thinking no doubt that from his experience as a land lawyer at Kickapoo, practicing law was his calling, he moved to the city and became the junior member of the firm of Lecompte, Mathias & Burns. As the Colonel had a large country acquaintance, he was enabled to bring considerable business to

the firm. This did not last but a few years, when the firm dissolved and Col. Burns retired to St. Joseph, Missouri, dropped the law or it dropped him and he took up the newspaper business; how well he succeeded in this new venture in his old age, I am not advised. He died a few years ago ripe in age, and full of varied experience.

L. M. Goddard came to this county when quite a young man. His father was a man of superior intelligence and culture and stood high as a farmer for honesty, integrity and diversified intelligence, learning and ability. Young Goddard being of studious habits, of a bright and intelligent mind, far above the average of young men of his age, turned his attention to the study of the law and in due time was admitted to the bar and by hard study, close application and winning ways, soon occupied a front rank among the leading members of the bar in the city. He was at one time a law partner of Judge J. L. Pendery. In course of time he was elected county attorney of this county and it is no reflection upon the many gentlemen of marked ability who have held that responsible office before and since Mr. Goddard's occupancy of it, (for truly Leavenworth county has been especially fortunate in this respect) to say that no one has filled it with more honor to himself and satisfaction to the people whom he served so faithfully and well and with more ability than did L. M. Goddard during his term of office. He afterwards continued to practice law here with great success for a number of years. Actuated with an honest desire to advance in his profession and improve his pecuniary situation he sought new fields for its development. A few years ago he removed to Colorado, the then busy, hustling mining territory of the West. Of course a young man of his legal ability was bound to succeed in his profession. In course of time he was elected one of the Supreme Court Judges of the state, which position he filled with dignity and marked ability. At the expiration of his term he returned to his law practice which we learn he pursued with great and increased success. He occasionally re-visits his old home and is welcomed by a host of old friends and well wishers.

Hector D. Mackey, while he was enrolled as an attorney and practiced law to some extent, did not confine himself exclu-

sively to his profession, but gave his attention more to operating in real estate, insurance and other callings, evidently more pleasing to his tastes and more remunerative. He was said to have acquired considerable money and property before he migrated to other fields to put additional ducats in his purse.

James S. Jelly, sometimes called Col. Jelly, because he came here I suppose, from southern Indiana, the town of Far West opposite Kentucky across the Ohio river, the land of Colonels also fair women and brave men, and genuine mountain dew. Col. Jelly was an industrious, hard-working lawyer and secured considerable business by his indefatigibility and hustling propensities he was most fortunate, and made it pay. He always looked out for the reward for labor and secured that before he spent his time and energy in his client's behalf, always contending that a dollar in hand was better than two in uncertain promises to pay. When the war cloud threatened, he returned to his old home in Indiana.

CHAPTER XII.

Geo. H. English

WAS a lawyer of more than ordinary ability, a clear head, close application, studious habits, a close reasoner, fine literary attainments, a clever and polished gentleman, well liked by those who knew him and more successful than some others who made more show and greater display, he was quiet and unobtrusive, but earnest, trustworthy and reliable, a sound and cogent reasoner before the court and jury and justly appreciated for his honesty and integrity of character. He moved to Kansas City when that town began to improve and we learn soon stood high in the profession and acquired a liberal competency of this world's goods.

Chas. W. Helm, a native of old Virginia, but raised in Washington city, a son of Judge Helm, one of the leading lawyers of that city. Charley Helm, as everybody called him, was a very bright lawyer, well ground in the principles of the law, affable and agreeable, a courteous and polished Southern gentleman, perhaps a little proud of his home and ancestry, but not overbearing or ostentatious, on the contrary, he despised hypocrisy and double-dealing, and was the very soul of honor and good breeding, social and companionable, fond of a good story, of a happy and cheerful disposition, of a great diversity of attainments, a good speaker, forcible before the jury and argumentative to the court and a successful lawyer generally. When the war clouds began to gather, naturally his inclinations would be to go south and as the law business was dull here he moved to Texas, where I learn he was quite successful in course of time.

Henry M. Burligh, I remember as being a resident of our city and a practicing young attorney for a time but how long he remained or when or where he retired to, I do not now call to mind.

Joseph W. Taylor was another of those bright young lawyers who came to our city at an early day and opened an office, and although he arrived here after the state was admitted into the Union, the time which I had set as the limit to which I would confine myself in a review of the attorneys who were enrolled at the bar of the First District Court and who occupied a prominent position and were well known and appreciated by the community generally. I trust I will be pardoned for referring briefly to Mr. Taylor and a few others who came here after January, 1861, and as I have said occupied prominent places and took an active part in our civil and political affairs, but have long since left our city or gone to that unknown land from which no traveler returns. Soon after Mr. Taylor came he formed a partnership, if I mistake not, with Judge J. L. Pendery which continued for some time with success. He was twice elected to the Legislature of the state and also served two terms of two years each as prosecuting attorney of this county. In all these positions of honor and trust, he was the same faithful, honest, earnest, reliable public servant. He did his whole duty as he saw it and did it fearlessly and well. At the close of his second term as county attorney he removed to Colorado and in a short time had advanced to the front rank of successful and prominent lawyers in that land of golden promises and rewards. He died a few years ago beloved, honored and respected by a host of friends.

Byron Sherry. Gen. Sherry, as he was called, came to our city and was enrolled as an attorney of the bar shortly after the state was admitted. He came here with a fine reputation as an able lawyer of large and varied experience. He was an earnest and forcible speaker and in the discussion of a legal proposition before the court, he was logical, clear and convincing, before a jury he was often eloquent and rarely failed of success by earnest and strong appeals in behalf of his client's interests. When the Leavenworth county criminal court was organized he was elected Judge of said court which office he filled with dignity and honor. The court was abolished at the next session of the Legislature by the request of the tax payers of the county as too expensive a luxury and as the district court Judge had so reduced the number of cases on the docket that by hard and constant labor he would be able to dispose of all business both civil and

criminal that came before the court in a reasonable term. Shortly after this Gen. Sherry removed to Kansas City to a wider field for his talents and legal ability. He was very successful both in a legal and political way, but owing to the delicate health of his family he has been compelled to remove to the more congenial climate of New Mexico where he now resides.

James Ketner was a prominent lawyer in this city for a number of years. He was elected Probate Judge and served the people honestly and well for two terms in that important office upon which so much depends to preserve inviolate the sacred trusts committed to his care in a fiduciary capacity, in the care and protection of the interests and estates of widows and orphans. It is estimated that at least once in thirty years the majority of the real estate of a city or county passes through the hands of, or is administered upon in some form or other by the probate court. Thus it will be seen at a glance by even the most casual observers how important it is that a first-class man of honesty, integrity and ability whose character like Cæsar's wife, is above suspicion, should be elected to this office. In due course of time Judge Ketner, like so many others removed from our city. The Judge pitched his tent in the then thriving town of Junction City, and by his energy and application soon built up a lucrative practice, commanding the respect and confidence of the people among whom he lived. He died only a few years since.

Nicholas Smith. I find his name enrolled among the list of attorneys of this first judicial district although I am not advised that he ever tried a case in our court and only refer to him at this time, in this connection, as he was a character in his way, and for a time filled a somewhat prominent space in the public eye. He came here from Kentucky. He was very eccentric in his ways and manner, to draw it mildly. His style of dress was peculiarly his own, he wore his hair long and tousled over his head a-la Paderwiski style, all no doubt to attract attention to his fine figure, he carried himself in a sort of top lofty manner. To those who did not know him well, he might seem arrogant and haughty; it was simply his apparent lordly style. He was cordial and social with

friends, of very general intelligence, a great reader, a fine conversationalist, a close observer of men and things, a diversified and voluminous writer, a regular correspondent for newspapers and magazines upon a great variety of subjects, generally signing his newspaper correspondence "Veritas" to emphasize the truthfulness of what he wrote. Being a Kentucky blue grass thoroughbred, the boys dubbed him, "Col. Nicholas Veritas Smith." He built and occupied a fine mansion on the South Esplanade (now owned by Dr. Boyd) where he dispensed with a liberal, genuine Southern hospitality to his friends the choicest viands of his native state. Ere long that angel of the sombre wing came unbidden into this happy home and bore away in the silent watches of the night the spirit of his beloved wife. The shock was so great that for a time it completely unmanned him, it was said that in his agony and distress he almost cursed his Maker for the cruel blow and would not be comforted but raved like a mad man. But all things finite have an end. In course of time he recovered his composure, but would not remain in the West, but sold his house and sought other fields for a change of scene, that he might forget the past, amid the hum drum of a busy life of a great city. He went to New York city and in due course of time he became associated with Horace Greeley as assistant editor of the New York Tribune. We will follow his erratic course no further.

Isaac E. Eaton. He had been admitted to the bar in Ohio before he came to our city, and as he said, to keep himself in line, was enrolled here, although he did not make an effort to secure legal business. He was the agent and manager of a large amount of real estate in this and adjoining counties in the state belonging to railroad men and speculators in the East. At one time Col. Eaton lived on a large farm near Reno, in this county and was elected a county commissioner and served for two years. Col. Eaton was more generally known as the "Old war horse of the Kansas Democracy." He was the Kansas member of the Democratic National Committee for five or six lustrums, as Col. Benton would say. Faithful, honest and true to the party and his friends, he never sought or held a federal office when his party was in power but was always ready to aid his friends to the loaves and fishes when

in position to do so. He was a man of fine ability and a natural born leader and shrewd politician.

Newton Mann came to the county soon after the state was organized; he first settled at Tonganoxie, in this county, and opened a law office and was quite successful in the law practice. Shortly after the war closed he was elected Probate Judge of the county and filled the office quite satisfactorily for two terms. He then opened an office in the city with his brother, Nathan Mann; they did a large business but mostly with county clients as they had a large acquaintance with the farmers, especially in the lower portion of the county. The brother having become largely interested in lands adjoining Wyandotte, moved to that town and the firm was dissolved. The Judge continued his office work here, confining himself largely to real estate work. His health failed and a few years ago he died, highly respected by all.

CHAPTER XIII.

WE cannot close this review of the attorneys who came to our city prior to our admission as a state without special reference to one of the most prominent law firms in the city and territory in those early days, especially as a portion of the members of that firm filled so prominent a place in the legal and political history of the state, and each and all in the war history of the nation. I refer to the law firm of Sherman, Ewings & McCook. It is a singular fact, which the writer is unable to account for, that after a most careful examination of the original record on file in the clerk's office of the First District Court and from which record all the foregoing names are taken, from the first organization of the territorial court in April, 1855, up to the present day, I do not find the name of a single member of the above firm enrolled among the attorneys of this district and still were I to fail to speak of them as they deserve, all readers of these sketches would marvel at the omission. It would be to a certain extent like the play of Hamlet with Hamlet left out.

WILLIAM T. SHERMAN, so well known in after years in the history of our country as Maj. Gen. Sherman, came to our city in 1858 or '59 and shortly after he opened a law office as partner and head of the firm of Sherman, Ewings & McCook. From its inception the firm did their full share of the law business of the city and vicinity, and in due time by their energy, skill and ability, their practice became co-extensive with the boundaries of the territory. Gen. Sherman, while with the firm, confined himself mostly to the office work. My own opinion is that Gen. Sherman, though well versed in the principles of the law, was not infatuated with the practice, but preferred a more active life, or at least one of less drudgery and confinement, and more freedom from restraint and the opinion of others. A military life was best suited to his habits and nature. He was justly

proud of his attainments, and any stumbling block thrown in his way, or means that smacked of low breeding, used to defeat him, or want of manly attributes, or any resort to trickery or unfairness, was to him very contemptible, as he was the very soul of honor himself. He demanded the same of others with whom he came in contact, or did business with.

The following incident in General Sherman's life illustrates how a small matter in itself may, under certain circumstances, change the whole tenor of a person's life. It so happened that a client of the firm on one occasion had a lawsuit with a neighbor over the value of a calf or pig, brought before Squire Whitney, a justice of the peace. It was supposed to be a small matter, and it really was, and would have taken but a few minutes to dispose of it. But the client, who was a positive man and thought he was being wronged would not yield a point, so Mr. Sherman went with him to the justice's office. There he found Colonel Lewis Burns, the attorney for the plaintiff, with a half-dozen witnesses and a small library on the table before him. Mr. Sherman was a little surprised at the number of witnesses, and especially at the array of law books. He rightly concluded it was a big bluff on the part of Colonel Burns to overawe that justice with the law. The trial commenced at once, and the plaintiff's witnesses showed they knew but little about the facts in the case. When the evidence was closed, Mr. Sherman was satisfied he had won, but the Colonel was not to be beaten by evidence, when the law (as he said) was on his side. He commenced hurling, in thunder tones, page after page and volume after volume of that library before him, at the head of that old justice ("Old Necessity," the boys called him), but the cases cited and the law read by the Colonel had no more application to the case at bar than pages of the Greek Testament, or leaves from the Koran. In reply General Sherman attempted to show this to the court, but the old justice was completely bewildered. He finally decided that the plaintiff would not have brought the suit unless he had a good case, and furthermore, that that old gray headed lawyer must know that what he read was the law in the case, and he decided the case in favor of Colonel Burns. Although General Sherman felt and knew that his client had been greatly wronged by the decision, the judgment was so small that he advised him to pay it and not

appeal, as it would cost more in time and attorney's fees than it was worth, and so the case ended there. General Sherman a few days after the above trial remarked to the writer that if that was Kansas justice, he wanted no more of it. If an old fellow like Colonel Burns, whom he learned had not studied law a day in his life, could win such a case before a wooden headed old justice by simply being gray headed and throwing a library at the old justice, he (Sherman) thought he had better quit practicing law in Kansas. A few months later he left the state. The next we hear of General Sherman he was the principal of a military school in Louisiana, from which place he entered the Union army soon after the war commenced.

It may possibly not be out of place in this connection to relate an incident in the practice of this old justice of the peace, E. Whitney, Esq., who knocked General Sherman out in the first round. Soon after he was elected he opened his office in the basement of F. Merks' stove store on the southwest corner of Delaware and Third streets, a frame building that stood where Eddy's drug store now stands, the entrance being on Third street. One morning, soon after the Squire opened for business, the writer was in his office, and the old justice seemed anxious to make some special inquiries as to his duties as justice of the peace, and the position he ought to occupy consonant with the office. The writer referred him to the statutes of the state defining the duties of a justice of the peace. He replied that he had read them, but they did not say how he should have his office arranged, and, as he thought, did not give proper dignity to the office. As the writer thought he saw a chance for a little humor he encouraged the old justice to deliver himself. The old Judge said he had been reading about English judges, and, as he understood it, they had law judges and equity judges, who were sometimes called chancellors; they both held court and tried cases, one on the law side of the case and the other on the equity side. But in this country they were both blended in in one person, and he was a law judge and equity judge at the same time; but what bothered him was just how to arrange his office so as to have a law side and equity side of his court separate, in the same office room. The writer suggested that he push his table, end next to the wall and place a chair on each side, one for the law side of the court and the other for the equity side. Then

he said: "When the lawyers are arguing the law points, I must hear and decide on the law side of the court, and when the witnesses are being sworn and examined before me or a jury, I must sit on the chancery or equity side of the court?" To this I assented, and he then added: "What about the gown, the wig and the wool sack the English judges had?" As the writer feared that if he advised it "Old Necessity" would some day rig himself out in full toggery as above described, he suggested that he leave off the wig and gown for the present, as they were expensive and not essentially necessary, but get a sack and fill it with wool and place it in one of the chairs and sit on it when required. The old fellow soon had his office arranged with a law side and an equity side, wool sack and all, to the amusement of the boys who tried cases before him. It was as good as a circus sometimes to see "Old Necessity" try a law-suit.

Thomas Ewings, Jr., was for a number of years one of the most distinguished lawyers and public men in the state. His marked ability as a jurist soon placed him in the front rank of our public men. He came to the territory with a fine record as a lawyer, the lustre of which was not dimmed by the contact with the bright legal minds of our city and state. He was elected as the first Chief Justice of the Supreme Court of the state. He held this most responsible position for some time, adding renown to his well known ability as a jurist. Fired with a patriotic desire to serve his country in her hour of peril, he declined further judicial honors and assisted in raising a regiment of Union soldiers for the war. He was commissioned Colonel of the same. In due time he was appointed Brigadier-General of Volunteers by the President and stationed on the border of Missouri and Kansas, with headquarters at Kansas City, Mo. Gen. Curtis was in command of this department. In the meantime, marauding bands of bushwhackers under Quantrell, Anderson and other leaders, were pillaging Union men in Kansas and Missouri, robbing and murdering them and when pursued fled to the hills and hollows of the Sni and Blue rivers of Jackson county below Independence, Mo. It was claimed that the people who resided there, fed, harbored, protected and sympathized with these robbers and cut throats, and to break up these gangs and destroy their rendezvous, Gen. Curtis ordered Gen. Ewings to burn and lay

waste if necessary that portion of Jackson county where these marauders were harbored. This direction of Gen. Curtis' caused Gen. Ewings to issue that famous order No. 11, I believe it was called, which caused so much trouble and distress to those people and was denounced so bitterly by the press and people of that section; that some innocent people suffered with the guilty there is no doubt. As Gen. Sherman said after his march to the sea, and the destruction which followed in its wake, "War is hell." Whether Gen. Ewings' order was wise and proper at the time or whether it ought to have been tempered with mercy, is not for this writer to criticise, his duty lay in another field of action in the war. All I desire to say in this behalf is, that Gen. Ewings, as a true soldier obeyed the orders of his superior officer, if too severe he should not be blamed for the result. After the war Gen. Ewings returned to his old home in Ohio, and in a short time went to New York city and opened a law office and soon occupied a leading position at the bar. He was accidentally killed a few years ago by being run over by a street car.

Hugh Ewings. Although the General was a member of the above law firm, he did not confine himself to the practice of his profession while here, but occupied his time mostly in looking after the large real estate interests in which he, in connection with other gentlemen, owned in the west part of the city. When the war broke out, he hastened to Ohio and assisted in raising one or more regiments for the Union army, was appointed Colonel in a short time. The President appointed him a Brigadier-General of volunteers; by his distinguished bravery and ability he soon rose to the rank of Major-General, which position he filled to the close of the war. After the war closed and peace was again restored Gen. Ewings was appointed U. S. minister to the Hague, which high and honorable position he filled for a number of years with great credit to himself and honor to the country. At the expiration of his term of service, he returned to Ohio. He died a few years ago greatly respected by all who had the honor of his friendship and acquaintance.

Dan McCook, the youngest member of the above firm, came here from Ohio before the state was admitted into the Union; he was the youngest son and brother of what was well

known during the war, as the "fighting McCook family". He was a very bright young man, a sharp, shrewd, well read lawyer, a fit companion of that brilliant coterie of young lawyers of whom we have previously spoken. It was these friendly but earnest contests that so often occurred in the courts, when these young legal giants (so to speak) were pitted against each other on opposite sides in the trial of cases, it was a battle royal, of Greek meet Greek in the forensic forum, where skill, learning, well trained ability and shrewd practice, were the sword and rapier of these skillful antagonists. It is but truthful to assert that young McCook held his own with honor and equal poise, in these friendly jousts of legal lore. Gen. Ewings and Dan McCook made a strong legal firm, not excelled in the city or territory. The impulsiveness of the latter was held in steady leash by the cool impurtability and sound judgment of the former. McCook being of a military turn, had joined the "Shields Guards" and became Captain of the company during his residence here. The climax of the war wrought the final dissolution of this law firm, McCook returned to Ohio, assisted in raising a regiment for the Union army and was in due time, made its Colonel. By his skill and personal bravery he was appointed a Brigadier-General. Near the close of the war in one of the sanguinary battles in Kentucky he was seriously wounded, from these wounds he eventually died. Thus we see that each member of this distinguished firm became a General in the Union army, all at the same time, and each won honor and renown in the service of his country, and one at least, wore upon his brow the garland of imperishable fame, placed there by a loving and patriotic people. *Requiescat in pace.*

Hon. James F. Legate came to Kansas in the early fifties from Massachusetts. I am not advised that he came under the auspices of the "Emigrant Aid Society," or any other special society organized for the express purpose of advancing the Free State cause in this territory. But like hundreds of other young men of push and energy of character in the East, he took Horace Greeley's advice, "go West, young man and grow up with the country." Mr. Legate first lived at Lawrence. It was there I first met him and formed his acquaintance, or it was at one of the many conventions held in those days, either at Lawrence, Topeka or Big Springs, to advance the cause of freedom in Kansas by the

instrumentality of the Topeka State Constitutional movement. Mr. Legate was a young man of great energy of purpose, deeply interested in the cause of freeing Kansas, ready, willing and anxious to do his part in the efforts that were being made, and to share in the dangers and trials incident to the struggles of the early settlers to establish and perpetuate a free state on the plains of Kansas. Although Mr. Legate was a devoted and earnest Free State man from the first, he did not belong to that extreme wing of the party or coincide with their views as to the only course to be pursued to accomplish the purpose upon which our hearts were set, and for which we were willing to sacrifice our lives if necessary to secure. He rather belonged to the more conservative, but as earnest portion of the party to which Gen. Lane, Roberts, Holladay, Parrott, Delahay, the writer, and many others belonged, and which eventually accomplished the grand purpose for which we had all labored and struggled so long, the admission of Kansas as a free state. As time grew on apace, after the admission of the state into the Union, Mr. Legate became one of the leading men in the political affairs of the commonwealth. His opinion was often sought and his judgment relied upon, in determining public questions by those in authority. He was conceded by the leaders of both parties, to be the sharpest, most astute, and ablest politician in the state. While of some men it is said "they live by their wits," it might with propriety and without disparagement of his honesty or integrity of character, be said that Mr. Legate lived by the active evolutions of the gray matter in that massive dome of thought. I am well advised that there are those who have attributed his success in certain undertakings, political and financial, as actuated by somewhat sinister motives; with these suggestions, the writer takes the most positive issue. If he received any compensation for the honest labor he performed for public men in the advancement of their interests or discharge of their public duties, it was never at the expense of the commonwealth or of his constituents. He often held places of honor and trust conferred upon him by the citizens of his bailiwick, and he was always reliable and trustworthy, honest and faithful in the discharge of all public and private duties committed to his care. That he was a man of superior mental ability, none will question, a close reasoner, a clear, logical and forcible speaker, a great reader, a cultured and

refined mind. A highly respected citizen, a true friend and a devoted husband and kind and indulgent parent.

[THE END.]

9872

OCT 17 1975

Abeles,Simon 153
Abell,P.T. (also P.J.) 214,256,273
Abernathy,Col. J.L. 193,213
Abernathy,Omer 219
Abolitionists, 55,80,85,98,102,108,114,
120,123,164-170
Adams,G. 214,299
Adams,H.J. 84,103,149,151,213,214,285-6,
Adams,M.S. 214,293,298
Adams & Osborn 29,32
Adams,W.H. 20,101,130
Alexander,Col.J.M. 104,214,259
Allen,Cora Leavenworth Kyle 62
Allen,D.C. 306
Allen,James N. 25,62
Allen,Col. Lyman 103
Allen,R.E. 36
Allen,Walter N. 214,301
Almond,W.B. 214,257
Andrews,C.C. 32
Anthony,Col.D.R. 125,168,182-87,213,279-80
Anthony,D.R.Jr. 182,213
Anthony,Capt.George T. 184
Anthony,Scott J. 103,132
Arlaud 177
Asbury 121
Atchison 19,28,44,59
Atchison,D.R. 18,56,58,67,90
Atchison,Topeka,Santa Fe Railroad 224
Atkin,F.U. 186
Atwood,John G.
Aubrey,F.X.(steamer) 4,49
Australia (steamer) 57

Babcock,C.W. 32,103
Backus,Rev. 159
Badger,P.H. 206
Baily,David 182
Bailey 149-50
Bailey,D.H. 214
Bailey,William H. 132
Baker,E.B. 215
Baker,Lucien 215
Baldridge,Rev.B.L. 236
Balensloe House 179
Baldwin,John 236
Ballen,Ira P. 310
Baptist churches 160-61
Barcly,Frank 182
Bargh,Charles H. 310
Barnard (see Benard)
Barry,Rev. 236
Bartholomew,Rev.A.A. 236
Bartlett 182
Bass 142
Bassett,Owen A. 317
Bauserman,Rev.J.P, 236
Beal,George 191
Beechler,Casper 65
Beechless Shoe Store 202
Bell,T.W. 215
Benard,C.F. 214,263
Bennett,J.H. 306
Benton,Col. Thomas H. 6,90
Berry,William 99
Bird & Miller 32
Bird,Judge L.D. 5,20,22,29,72,214,275-6
Bittman & Todd 36,124
Blair,William 99,101
Blaiser & McClauslin 151
Blake,James B. 228
Block,David 191
Blue lodges 53,66,74,115,273
Bodine,Dr.J.M. 215
Bodwell,Rev.J.C. 236
Boling,D.S. 282
Bond,Lee 215
Bond,W.J. 215
Boss,Rev.Thomas M. 236
Boyle,Matt 45
Boyle,D.Scott 101
Boynton,Rev. C.B. 31
Brace,C.B, 301
Braden,Felix G. 87
Branch,H.B. 214,284
Brandon,John 191
Brevort House 179
Brewer,Judge D.B. 214,311-314
Brill,Rabbi 237
Brindle,William 103
Britton,Z.E. 215,323
Broadhead,J.F. 308
Brooks,N.B. 99
Brown,Judge A. 104
Brown,David 86
Brown,F. 87
Brown,J.W. 207
Brown & LeCompte Stables 209
Brown,Rev. 236
Brown,William Scott 292
Bucher,William 63
Burbridge,J.K.S. 306
Burgess,C.M. 57
Burgess,Neil 61
Burgess,Samuel 49,114
Burligh,Henry M. 327
Burnham,Bennett 101,104,228
Burns Brothers 324
Burns,C.F. 214,257
Burns,Col.J.N. 106,257,324
Burns,Lewis 214,324,333-4
Burt,N.H. 220
Burton,J.A. 299-300
Butler,Rev.Pardee 44
Byers,James L. 25,35,103
Byrd,Rev.J.H. 236

Caldwell,Alex 147,154,24
Caldwell,Irving & Jackman 36
Calhoun,Gen. John 23,84,102,120,130,147
Callahan,A.F. 214,307-8
Callahan,Dr. H.B. 215
Campbell,Thomas F. 287
Cannon Brewery 190
Caples,Elder W.G. 23,38,39,145
Card,Gen.B.C. 28
Carney,E.L. 214
Carney House 33,145
Carney,Stevens & Co. 136
Carney,Thomas 213
Carr coal mine 218
Carr,Gen. 77
Carr,Joseph P. 214,276
Carroll,Ed 155
Carroll,W.S. 215,321
Case,John 214,318
Cass,Clarinda 62
Cass,Lewis 58
Cass,Thomas 62
Catholic churches 157
Catlin & Knox 47
Cato,Judge Jeffries 50
Catterson,Dr. W.S. 215
Chapman,J.B. 296
Chickering Hall 189
Christian,James 214,274
Christian Scientists 161

Index to H. Miles Moore - Early History of Kansas

"Chronicle" 185
Clark 183
Clark & Gruber 151
Clark,A.M. 36,152,154
Clark,J.C. 184
Clark,Jerry (Jeremiah) 33,140,145,206
Clark,M.E. 36,152,154
Clark,Malcolm 40,92-95,97-8,104,251
Clark,Robert P. 214,280
Clarkson,Col.J.C. 36
Clarkson,Rev. 76
Clough,E.N.O. (see O'Clough)
Clough,William McNeil 215,317,322
Cochrans 159
Cockrill,Clinton 48
Cody,E. 36,116
Cody,Q.J. (also J.I.) 214,302
Cohn & Abel 36
Cole,William H.,Jr. 298
Commercial Hotel 177
Congregationalist Church 160
Conklin,Jerome B. 298
Conley,Capt. William 129
Conner,J.F. 186
Connolly,James S. 214,302
"Conservative,The" 183
Continental Hotel 177
Conway's Hotel 137
Conway,M.F. 103
"Cosmopolitan" 184
Cowing,A. 152
Crancer,J.W. 206
Cranston,Hon. William 178
Cretors Mill 196
Crook,Dr.J.J. 184
Crozier,Judge Robert 214,182,306
Cunningham,Rev.Fr. 236
Currier,Cyrus F. 103,140,206
Currier & McCormick's Store 202
Curry,F.H. 305
Cushing,Atty.Gen. 31

"Daily Appeal" 184
"Daily Evening Press" 185
"Daily Ledger" 142-3,182
"Daily Public Press 184
"Daily Standard" 185
Davidson 49
Davis,George 186
Davis,J.B. (furniture store) 137,202
Davis,James 103
Davis,Dr. James 206,215
Daws,B.F. 215
Day,John Harvey 32,130,132
Day,Dr.John W. 215
DeCosta,George W. 319
Deckelman,H.J. 65,207-8
Defouri,Rev. 236
Deitzler,Gen.G. 103
Delahay,Judge M.W. 103,120,125,181,194,
214,265-7
Delaware(city) 45
Delaware Indians 29,31,40,86
Delaware treaty 41
Delaware Trust lands 28,41,53,54,92,222
Democrats 102,103,205-6
Dempsey,A.E. 215
Dennan,H.B. (also Denman) 206,213
Denton elevator 23
Diefendorf,Fox 214,304
Diefendorf,Mellen & Bliss 152
Diefendorf,Judge Oliver 5,20,22-3,84,214,295-6
Dixon,James 36
Dodge,D. 103,214,251
Dodsworth,Samuel 213
Donaldson,I.B. 30
Doniphan,Col. John 9,49,118,214,256-7
Donovan,Martin 150
"Douglass Bill"(Kansas-Nebraska Bill) 17,18,20,22,116
Douglas,J.C. 155,214,292
Douglas,Stephen A. 102,165
Doyle, Thomas H. 132
Dougherty 176
Drovers Bank,The 152
Drum,Gen. R.C. 28
Duke,Mrs. 123

Earle & Bunbing 193
Easton,Gen. Lucien J.(also Eastin) 20,33,61,
67,265-6
Eaton, Isaac E. 215,330-31
Eaves & Keller 151
Ebenger,John 211
Ebengers Garden 211
Eddy, George drugstore 97
Eddy, Mrs. George 172
Edic, Dr. J.J. 215
Edmond,J.W. 213
Edsall,James K. 114
Egan,Samuel 305
Egar,Rev. 236
electrical and gas lighting 221
Elmore & Martin 50
Elmore, Hon. Rush 49,50
Emery,Fred 132
Emigrant Aid Societies 85
Endress,B.F. 215
Endress Stove Store 202
English,George H. 215,327
Engleman Brothers 35
Episcopal churches 160
Evans, Eli 61
Evans,Joseph B. 115,117
"Evening Call" 184
"Evening Ledger" 184
Everhardy,Peter 213
Ewing,Hugh (also Ewings) 215,336
Ewing,J.Edward 184
Ewing,Thomas Jr. 215-16,335-6

Fackler,John M.215
Fairchild,William 157
Fane,W.H. 181
federal prison 62,235
Fenlon,Thomas 214,315-16
Fern,A.A. 155
Ferrell,William 172,189
Few,Dr.S.F. 23,215
Fields,Harry 103
Finch,Samuel J. 115,117-19
First National Bank 25,150,153-4
First Territorial Council 33
FishRev. 39,157
Fisher,Adam 34,35,103,114,132,141,173
Fisher,Charley 166
Fisher,George 34,103
Fisher-Parry Hotel 24
Fisher,Rev. 236
Fitzgerald,Rev.Fr. 236

Flagg,Othello I. 310

Flemming,Sgt. 61,147
Flenneken,Hon. Robert P. 55,57
Flora,Sheriff 34
Flynn,David W. 214
Fogarty Furniture factory 219
Foley,James 135
Foot,Henry 189
Formly,Samuel 263
Forrest,T.F. 305
Fort Leavenworth 19,26,28-9,31,61,75
Fort Riley 19,24,48,61,75-78
Foster,R.C.Jr. 214,270,283
Fox,Wilson 227
France,Matt 86,87,114
Franklin,N. 214
Franklin,William 297
Free State Party (also Free Soil Party)
7,21,23,23,30,45,50,53,55,57,74,80,97,208
Free State Territorial Legislature 25,125
Freeland,W.H. 126
Freeling,P.J. 154
Frey,Rabbi 237
Frie Presse 182
Fritsche's Drugstore 153
Fritzlen & Mundee Brewery 188
Front street (also Water street and Levee) 20
Frost,Col. J.F. 103
Frost W.R. 206
Fugate,Sam 253-55
Fuller, Perry 206

Gallger, W.W. 321
Goddard Brothers Theatre 203
gallger,W.W. 321
Gambell,Willard P. (also Gamble) 214,293
Gardner,G.W. 268
Garno,Mrs. 145
Garvey,E.C.K. 206
General Land Office 60
"German Free Press" (also Frie Presse) 179
German Printing Company 186
German Singing society 147
Gerstenicker,Johanna 63
Gilsen,Katy 25
Gilsen,Prof.25
Gist,Gen. George W. 20,22,29,38,51,115,
117,121
Gist,Hon. John C. 22,29
Gist Survey 20
Glenn,S.H. 310
Goddardrothers theatre 203
Good Templars 65
Goode,G.G. 214
Goode,Col. S.S. 181,281-2
Gooden,Joel K. 103,206
Goddard,L.M. 215,325
Goldsmith,M. 153
Goodrich,F.T. 306
Gordon,Cy 168
Gould,J.E. 114
Grant,Edwin S. 310
Grant,Capt. James A. 47
Grant,M.S. 25
Gray,Barzila 214,308
Grazier Brothers 202
Great Western Manufacturing Co. 157,174
Great Western Foundry & Mill Machinery
Works 219
Great Western Stove Works 219
Gregory,Mrs. Eph 172
Green, Elisha 18,90
Green,H.T. 140,206,214,270,283
Green, William 215
Griswold,Hiram 322
Grover,D.A.N. 214,250
Grover.H. 214.253
Gruber,E.H. 152
Grund,John 63
Grund,John A. 63
Grund,John & Co. 63
Grund,John (brewery) 189
Guensey,David W. 293

Haberline,Col.(also Haberlein) 179,182
Hacker,M.L. 213,215
Hadley,James I. 214,274
Hailey,D.H. 310
Halderman,John A. 206,226-28,214,245,323
Hall & Wolcott 36
Hall,Frank 184
Hall,Joseph M. 226,228
Halladay,Col. C.K. 103,206
Haller,William 250
Hamilton, L.B. 305
Hanroon, Peter 48
Harlin,43
Harmony Hall and Hotel 174
Harrison,C.C. 113
Harrison,Ki (saloon) 136
Hastings,W.H. 197
Hathaway,A.B. 116,321
Havens,A.B. 195
Havens,E.F. 214,307
Havens,Paul E. 152,155,195
Hawes,Maj.F. 216
Hawn,Maj.Fred 27,84,23
Hawn,Judge 23
Hawn,Laurens 215
Hazelrigg,A.W. 32
Hazzard 59
Heavey,George 137
Hellen,Clinton 214,288
Helm,Maj. C.W. 181,215,327
Helmers Manufacturing Co. 174
Hemingrey,J.C. & Co.(also Hemingray) 150,151,214,308
Henderson,Col.Jack 182,291
Henry & Garrett's grocery 225
Henry,Daniel L. 214,282,288
Henry,John W. 214,288
"Herald,The Kansas" 33,69,99,111,265-6,278-80
Hesse,W.G. & Co. 159,220
Higgins & Coldren plumbing 136
Hines & Eaves 194
Hines,George K. 159
Hohe,L.C. 215
Hollingsworth,J.F. 214,227.276 (also L.F.)
Holman,O.B. 141,206,214,285,301
Home coal mine 218
"Home Record,The" 184
Hook,D.A. 213
Hook,William 215
Hooper,W.W. 215
Hopkins,L.G. 215
Hopkins,Maj. 125
Horn,Carl 226
Horn,Dr. H.B. 184
Housely,R.H. 315
Houston,Col. D.W. 183
Houston,Levi 103,215
Hoyt,George H. 323
Hubbell,Rev.H.L. 236
Hughes,B.M. 214,282-3
Hughes,Thomas. 99,101,227
Hulse,George T. 115-16
Hume & Prescott 109
Hunt,Capt.38
Hunt,Gen.F.E. 25,28

Hunt,Judge Morris 103
Hurd,Judge T.A. 214,319-20
Hutchison,H.H. 276
Hyman,Rev. 236

Ide,Harvey W. 214,287-8,25
Imperial Hotel 177
"Inquirer,The" 181,278-80
Insely,Capt. M.H. 171
Insley,Shire & Co. Bank 154
I.O.O.F. (Oddfellows) 65,147,23-4
Irwin,Col. 206
Isaacs,Col.A.J. (also Osacks) 38,206,215,276
Isett,Brewster & Co. 150

Jacobs,Mrs. Kate 133
Jacobs,Rabbi 237
Jackson,A.M. 215
Jameson,Fred 186
Jean-de-arms (Old Shon Down) 174
Jelly,James 215,326
Jenisson, Col. C.R. 293
Jenkins,Rev.J.H. 236
Jewett,M.M. 35,103
Jewish Synagogue 160,237
Jobson,Mrs. Ed 160
Joerger,John 33,56
John,W.G. 47
Johns,D.S. 310
Johnson,Gen.Albert 9
Johnson,D.J. 98,101,106,214,248
Johnson,Rev.H.P. 141,156,162,214,227,264
Johnson,S.F. & Co. 150
Johnson,Thomas L. 215
Johnstone,Gen. Joseph E. 29
Johnstone,Hon. Saunders W. 49,214,294-5
Johnstone,Stinson & Havens 49,295
Jones,Dennis 215
Jones,Russell & Co. 223
Jones,Sheriff 40Jordan,John 175
"Journal" 281 -2,181-2

Kahn,Rabbi 237
Kalish,Rabbi 237
Kalloch,I.P. 161,236
Kallock,J.S. (also Kalloch) 214,302
"Kansan" 184
Kansas Agricultural & Mechanical Assn of
Leavenworth Co. 233
Kansas Central elevator 38
Kansas Central railroad 234
"Kansas Churchman" 186
Kansas City & Leavenworth trolley line 224
Kansas City,St. Louis andCouncil Bluffs
railroad 224
Kansas Delaware Squatter Association 92-3
"Kansas Farmer" 184
"Kansas Herald,The" (see also "Herald")
20,29,32,45,81,97,101,104,106,109,114,132,181
Kansas-Nebraska Bill (see Douglass Bill)
Kansas Stage Co. 222
Kansas State Penitentiary 21,25,217
"Kansas Territorial Register,The" 120;132
Kassell,Kate (steamer) 114
Keim & Wehrle 190
Keller,A.B. 21
Keller,George 21,24,27,33,65,103,123,124-127,
147,171
Keller,Mrs. George 25
Keller,Henry 21

Kellogg,Josiah 214
Kelly & Lyle New Era Flouring Mill 190
Kelly,E.A. 155
Kemp,William 214,299 (Jr.)
Kerr,John 150
Kerr,Rev.Leander 61,83
Kettner,James 215,329
Kickapoo(town) 28,34,44,59,137,228
"Kickapoo Cannon" 166
"Kickapoo Pioneer" 32,45,59,81
Kickapoo Rangers 40,135,181,266-7
Kickapoo treaty 41
Kincaid,Rev. William 236
Kinkade,Charles A. 58
Kirkpatrick,W.R. 310
Kirmeyer,M. 191
Kiser,Mr. 171
Knights of Malta(see also Sons of Malta) 204
Knights of Palermo 135
Knoph,Dr.(also Kopph) 179,182-3
Koehler,Phillip 194
Kuntz Brewery 188
Kuntz,Charles 189
Kuntz,Joseph 188-89
Kuranor 185
Kyle,A.T. 21,24,25,33,65,123,124,126,147,171
Kyle,A.T. Jr. 21
Kyle,Mrs.A.T. 25
Kyle,Cora Leavenworth 25,62,147
"Labor Review" 185
Lainge,Deacon 209
Lainge Hall 209-10
Landis,John 33
Lane,Gen. James H. 103,141,214,274,290-2
Lane,P.V. 206
Lansing 217
Larimers 159
Latta, Judge A.N. 103,197,266
Lattin 168
"Law and Order Party" (see pro-slavery)
Leav. Atchison and Northwestern Railroad 224,233
Leavenworth Carpet Mills 197
'Leavenworth Commercial" 109,183-84
Leavenworth Electric Street Railway company 151
Leavenworth,Col. Henry 230-32
Leavenworth House (also Leavenworth Hotel) 21,24,35,56,
62,123-126,130,137,177
Leavenworth Milling Co. 196
Leavenworth National Bank 155
"Leavenworth Post" 186
Leavenworth Savings Bank 153
Leavenworth & Topeka Railroad 224
Leavenworth Town Association (see Town Company)
Leavenworth Town Company (see Town Company)
Leavenworth Woolen Mills 197
Leavenworth, Wyandotte & Northwestern Railroad 224
Lecompte,Mathias & Burns 67,311
Lecompte,Judge S.D. 67,109-112,149,209,215,311
Legate 183
Legate,James 337-8
Leib,Dr. Charles 32,38,61
Lenard,Col. O.F. 103
Levee (or Front street or Water street) 20
Liknaitz,Rabbi 237
Lincoln,Abraham 165
Livingstone,Kinkade & Co. 58
Lo,Mr. 44
Logan, F.T. 306
Logan,J.J. 214
Long,Ethan A. 227
Lowe,M.G. 215
Lowe,E.McGruder 214,288
Lowe,P.G. 75-78

Lowrie,Charles W. 323

Luce & Marvin 131
Ludlam,Samuel S.316
Lutheran churches 160
Luzzader,George 114
Lynch,Frank 185
Lynch,Judge 89
Lyons.Samuel M.32
Lysle,James.M. (also Lyle) 99,101,104,
106,114,214,227,249

Machin, Maj. 28
Machol, Rabbi 237
Mackamer, E.M. 214, 283
Mackey, Hector D. 214, 325-6
Maclin, Major Sacfield 74, 78
Mager, L.S. 310
Magruder, General 28
Maison, A.E. 219
Maison, Willson & Estes 220
Majors, Aleck 129
Majors, Russell & Waddell 36, 128, 129, 147, 210, 222
Mann, Newton 215, 331
Mann, O.E. 215
Manny Penny, Indian Cmm'r 29, 40, 43, 130, 222
Mansion House 123, 171, 24
Manufacturers National Bank 155
Morehand, Norval 215
Market House 228, 223
Marks, Rabbi 237
Marshall, Elliott 152
Martin, Capt. J.W. 40
Martin, Col. John (U.S. Sen.) 50
Martin, Wm. J. 303
Marvin, Wm. T. 131, 132
Masons (Royal Arch Chap.) 51, 65, 154
Mathias, Wm. G. 68, 71, 114, 214, 225, 257-8
Mayhew, A. E. 290
Melodeon Hall 204
Merchants Hotel 173
Merryman, Joseph E. 300
Mitcham, Capt. 185
Methodists 38, 156, 157, 161
Meyers' Grocery 36
Meyers, Rabbi 237
Michael, Harry 215
Middleton, C.R. 215
Miege, Bishop 40, 157
Military Prison 235
Miller, William H. 214, 268
Mills, Catherine 25
Mills, Lafayette 235
Misselwitz, L.F. 215
Missouri Valley Bridge & Iron Works 193
Missouri Valley Life Insurance Co. 153
Mitchell, John P. 320
Mitchell, Rev. 236
Mitchell, Col. Robert 206
Moore, Eli 101
Moore, H. Miles 19, 20, 41, 46, 125, 127, 135-37, 162, 172, 184, 206, 208-10, 214, 267-8, 291-93, 296, 319
Moore, Hattie 133
Moore, John I. 132, 133, 214, 271-72
Moore, L.T. 228
Morehead, C.R. & Co. 151, 213
Morrill, Gov. 154
Morris, Dr. J.W. 151
Morrow, Robert 103
Mundee, Charles 45, 48
Murphy & Scruggs 31, 34
Murphy, Capt. W.S. (Dick) 23, 34, 65, 115, 116, 121, 126
Murphy, Capt. John J. 179

MacDowell, James 166, 213

McAfee, Rev. J.B. 199
McAleer, Joseph L. 98, 99, 101
McBratney 45
McBride, John H. 99
McCahan, James 214, 296-97
McCahon 159
McCann, Ferdinand J. 285
McCarthy Hotel 178
McCarthy, Tim 178
McCarty, John 216
McCarty & McMeekin 71, 162, 228
McCauly, A. 158, 214, 249
McCausland, A.W. 300
McClure, Col. J.R. 206
McCook, Daniel 215, 336-37
McCracken, Mrs. Nelson 25
McCracken, Nelson 25, 35
McCrea, C. 32, 214, 251
McCrea, Mr. 94, 95, 97
McCrystal House 62, 176
McCurdy, Sol P. 214, 268
McCurdy, Judge S.D. 118
McDonald, Andrew 129
McDonald, Ben 206
McDonald & Co., D.&T.D.S. 71
McDowell, William C. 323-24
McDowell, William X. 132
McFarland, Col. Peter 179
McGahey 159
McGiven, Claudius 299
McKay, William 214, 284-85
McKee, Henry 103
McKee, John 103
McLane, Gen. George W. 46, 78, 103, 125, 134-38, 139-43 145, 206, 214, 272
McMeath, William M. 285
McMeekin, H.D. 68, 71, 72, 114, 225
McMeekin House 72
McNally's Transfer Co. 124, 172
McNary's 159McReasor 159

Nelles, George 152
Neely, Dr. G.F. 213
New Lucy (Steamer) 85, 129
Newman, H.L. 152, 153
Newman & Belt 55
Niedlinger, Eli 215
Noble, Dr. 61
Noble, Mr. 57, 58
North, S.F. 196
Norton, Dr. S.F. 65, 171, 215
Norton, Miles 171

O'Clough, E.N. (or E.N.O. Clough) 214, 305
Oddfellows, see I.O.O.F.
Ogden, Maj. E.A. 27, 28, 72, 73, 74, 75, 235, 24
O'Kane, Rev. John 236
O'Keefe, John T. 215
Ortman, Mr. 145
Osacks, Col. A.J. (see Isacks) 206
Osborn, William G. 32
Osborn & Adams 29, 30
Otis, A.G. 214, 274
Ott, Fritz 65

Osacks, Col. A.J. (see Isaacs) 206

Paddock, Alex 300
Page, Rev. Dr. 158, 236
Panton, George B. 78, 86, 87, 235
Park College 91
Park, Col. George W. 89, 90, 91
Park, Dr. G.J. 132, 158, 202
Parker, Rev. R.D. 236
Parkville & Grand River Railroad Co. 90
"Parkville Luminary" 89, 90
Parmalee, William 35
Parrott, M.J. 103, 167, 214, 258
Parrott, Mark 50, 135, 137
Parrott, J.V. 116
Parry, Mr. 171
Parry House 171
Patterson 89, 90, 91
Patterson, W.M. 274
Payne, Judge A. D. (also Capt.) 68, 70, 71, 93, 99, 104, 106, 113, 114, 225
Paynter, Reese 214, 282
Pendery, John L. 214, 293-94
Pendery, H.N. 215
Peet, Charles 216
Pennock, H.L. 114
Pennock's 137
Pennsylvania House 173
Pensenau 56
People's Telephone Office 152
Perkins, G.W. (also Purkins) 214, 272
Perry, Albert 288
Perry, N.B. 185
Perry, William 214, 280-81
Pestana, H.L. 215
Petterbridge, J.C. 215
Pettit, Judge 68, 247, 251-52
Phillips, Jared 123
Phillips, Dr. Samuel 28, 76, 77, 215
Phillips, William 45, 97, 98, 99, 100, 106, 113, 119, 123, 124, 214, 260-63
Pierce, Mr. 103
Pike's Peak Express 36, 223
Pilot Knob 70
Pitcher, S.D. 93, 95, 235
Pitt, John E. 214, 295
Pittsburg House 173
Pitzer, Rev. A.W. 158, 236
Planters House 71, 162, 164-70
"Platte Argus" 56, 89, 106, 114, 115, 119
Platte County Self-Defensive Assoc. 115, 116, 117, 119, 273
Plummer Mill 195
Pollard, H. Rives 33, 99, 101
Pomeroy 43, 45
Pope, Maj. Gen. John 230
Posey, John E. 99, 101
Post, P. Sidney 214
Powers, D.W. 94
Powers house 94
Presbyterian Churches 158, 159
Prescott & Hume 109, 183
Prest, William C. 299
Pro-Slavery Forces 52, 53, 57, 69, 74, 80, 81, 82, 83, 85, 97, 102, 103, 108, 113, 114, 120, 164-70
Przyblowicz, Miss Francis 63
Przyblowicz, Mike 63, 177
Quinn, Andy J. 39
Quakers 161
Railey, Col. 116
Railroad Hotel 176-77, 72
Rains, Rev. F.M. 236
Ramage, Lewis 214, 284
Ransom, Dr. 100
Ransom, Gov. 167
Raphael, Rabbi 237
Reaser, Rev. 236
Reasoner, Rev. Calvin 236
"Red Legs" 208-9
Redman, G.B. 227
Reeder, Gov. 35, 38, 48, 52, 55, 66 79, 80, 86, 87, 97, 110, 114, 130, 135, 145, 225
Rees, Amos 23, 157, 214, 255
Rees, Lewis N. 32, 33, 35, 86, 87, 131. 144. 146. 227
Rees, Lou 23
Rees, R.R. (Uncle Dick) 24, 67, 70, 93, 214, 225, 227, 246
Renick, O.F. 215
Rennick House 172
Remington, J.W. 184
Reyburn, T.T. 226
Reyburn Hardware 226
Rialto ferry 56
Rich, Col. Hiram 234-35
Richards, B.S. 206
Richardson, George C. 62
Richardson, J.P. 274-75
Richardson, Jason 62
Richardson's Missouri River Express 146
Ridge, A.W. 305
Rively, Maj. M.P. (see also Rively's Tavern) 228
Riveley's Store 19, 92
Riverside Mine 217
Roberts, Gov. 206
Roberts, W.Y. 103
Robinson, Gov. 103, 135
Robinson, Lieut. 29
Rodgers, Rev. John F. 236
Rohlfing & Co. Warehouse 225
Rose, W.A. 220
Rosenspitz, Rabbi 237
Rothschild, Phillip 36, 65, 204
Rothenberger, O.W. 189
Rothenberger, E.G. 189
Roundy, J.L. 132, 147
Rubenstein, Rabbi 237
Ruell, William H. 310
Ruggles, R.M. 185
Rush, H.D. 194, 195, 196
Rush Milling Co. 196
Rorer, E.F. 215
Russell, Alex 63, 70, 93, 227
Russell, Ed 216
Russell, George W. 36, 131, 132,20
Russell, W.H. 127, 129, 222
Russell, William 36
Russell & Co. 127
Russell, Majors & Waddell (see Majors, Russell & Waddell)
Rutherford 215
Ryan, Mathew Sr. 293
Ryan & Richardson 62

Sackett, Gurnsey 292
St. George Hotel 100, 178
St. Lawrence Hotel 174
Salt Creek Valley Resolutions 92
Saft, Rabbi 237
Sargent, J.C. 152
Satterlee, R.C. 181
Sawyer, A.M. 214, 302
Sewerage system 221
Schuyler, P.C. 103
Schroeder, Mr. 172
Scholscoff, C.E. 152
Scott, Col. John 88
Scott, Lucien 150, 154, 217
Scott, Lyman 150, 154
Scott, Lyman Jr. 150, 154
Scott, Kerr & Co. 150
Scott House 123
Scott, Rev. 161, 236
Scruggs, Capt. Simon 23, 34, 51, 65, 121, 122
Second National Bank 151, 154
Second Ward House 178
Self-Defensive Assoc., Platte County 115
Sevier, Archibald M. 120
Severe 181
Shaffer, Q.D. 215
Shanklin, Thomas 214, 267
Shannon, Miles 93
Shannon, Gov. 206
Shannon, Robert H. 299
Shannon & Van Doren 36
Sharp, Judge 206
Shawnee Hotel 171-72
Sherman, Gen. William T. 165, 214, 332, 335
Sherry, Byron 215, 328-29
Shoemaker, Tom 71, 102, 103, 104, 120, 214, 271
Simmons, Benjamin F. 214, 263
Simmons, Dr. 76
Simpson, William 306
Sioux 58
Skinner, J.W. 25, 36
Sloan, Rev. James J. 236
Slocum, Thomas F. 132
Slough, John T. 214, 297
Smith 57
Smith, Dan 168
Smith, David M. 283-84
Smith, G.W. 103
Smith, Jackson 299
Smith, Len T. 164, 165, 168
Smith, Nicholas 215, 329-30
Smithers, E. Joyce 305
Smoat, Russel & Co. 150
Snyder, Charles E. 155
Snyder, E.W. 155
Soldiers Home 94,95
Sons of Malta 135, 204
Sons of Temperance 65
Speer, J.S. 214, 301-2
Speer, John 103
Spicy, John Gill (also Spivey) 214, 304
Spry, George H. 215
Squatters Association (see Kansas Delaware Squatter Assoc.)
"Squatter Sovereign" 45, 59, 81
Stahl's Garden 210-11
Stanley, William 214, 297-98
Starr, Rev. Fred 23
"State of Kansas, The" (newspaper) 182
State Savings Bank of Leavenworth 155
Staunton, John 53
Steer, Fred 185
Stemple, Rabbi 237
Stillings, E. 215, 321-22
Stillings, Vint 215
Stinson, James P. 215
Stinson, S.A. 214, 303-4
Stockbridge Resolutions 92
Stockton Hall 140, 205, 165
Stockton, Capt. Job B. 205
Stone, Gen. J.B. 206
Stone, Rev. Hiram 160, 206
Stone, Gen. James W. 154
Strass, Block & Rosenfeld 36
Stringfellow, B.F. 82, 83, 214, 272-73
Stroble, Jacob 176
Sumner, Col. E.V. 78
Swoyer, Fred 214- 306

Tanner's Apple Depot 181
Tarr,C.M. 310
Tarr,John C. 214,310
Taylor,B.B. 181,214,278-9
Taylor,James 214,301
Taylor,Joseph W. 215,328
Taylor,Marshall P. 278
Taylor,O.B. 25
Tefft House 72
Tennell, Eliza A. 63
Territorial Legislature(see also Free State Legis. and Kan. TerritorialLegis.) 79,125,129
Territorial Register 181
Thomas,Dr. M.S. 215
Thomas,W.H. 236
Thompson 49
Thorn Hill 203
Thorn Theatre 203
Thornton,Col. Tom 103,206
Tillotson,183
"Times" weekly,daily 182
Times building 145
Tinsdale,Henry 300
Todd,Green D. 93,114,228
Todd,Jarrett 99,113
Todd,Riley 254-5
Topeka Constitutional Assoc. 22
Tough,Capt. 167
Town Company 5,19,22-27,29,39,43,46,48, 51,53,59,61,72,74,222,223
Trowbridge,C.B. 304
Truesdell,M.L. 132,214,264
Tullock,A.J. 194
Tunnell,S.W. 227
Turner Hall 207-210
Turner society 208
Tutt,Henry 214,274
Twombly,B.F. 228
Twombly,B.H. 32,57,86,214,251

U.S. Federal Prison (see also federal prison) 62,235
Ulrich,Elias 65
Uncle Tom's Cabin 62
Union Pacific Passenger Railroad depot 20,144,176
Union Savings Bank 155
Union Stove Foundry 174,204
"Union,The" 22
United Brethren Church 161

"Western Advertiser" 20
"Western Life" 186
Weston,28,38,65,100
"Weston Reporter" 115,118-19,5
Wetzel,Emil 177
Wheat,L.W. (also L.B.) 149,215,317
Wheat,S.E. 149,215
White & Fields 36
White Mill 195-96
White, William S. 310
Whitehead,James R. 297
Whitfield,J.W. 21,54,55,57,289-90
Whitney,A.J. 32,87
Wilder,D.W. 183
Wilhite,Elijah 194
Wilhite's Flouring Mill 188,194
Williams,C.A. 48
Williams,Jim 165
Williams,Wiley 227
Willson,E.P. 219-20
Willson & Wilson 220
Wilson,Amos E. 154
Wilson,John 214,220,276

Waddell,Mr. 129
Wakefield,Col.55
Wakefield,Judge 103
Walker,Mathew R. 226,228
Walsh,Hugh 206
Water street (also Front or Levee) 35,227
Washington Garden 211-12
waterworks and sewerage system 221
Waterworks Co. 152
Weaver & Seaman's Dry Goods Store 202
Weed,Albert 292
Wehrle,Frank 190-91
Weibling,H.G. 132,133
Weil,Louis 184
Weir,William Jr. 214,259
Wendell,Ferdinand J. 184
Wendorf,J.H. 215

Van Tuyl livery stable 160
Van Tuyl,N.E. 215
Vanderalier,Col. 206
Vaughan,Col. J.C. 182
Vaughan,Gen. Champion 182
Vogle's box factory 195

Wigley,Benjamin 306
Wilson,R.P. 215,216,318-19
Wiseman,John 177
Withers,George S. 297
Wollman,Henry 215
Wood,N.H.320
Wood,William D. 306
Woods & Abernathy 193,219
Woods,Ben saddlery 86,116
Woodson,Daniel 100,226,300
Woodward,Rev. 237
Woodward House 173
Wright Rev. J.B. 115
Wulfekuhler,Albert F. 155
Wulfekuhler,Otto 155
Wulfekuhler State Bank 155
Wyandotte Indians 86

Yohe,Elder W.S. 156,234-36
Young,Edward 214,273
Young,Samuel A. 289
Young,Van B. 292
"Young American,The" 139,142-3

Zipp,Frank 65